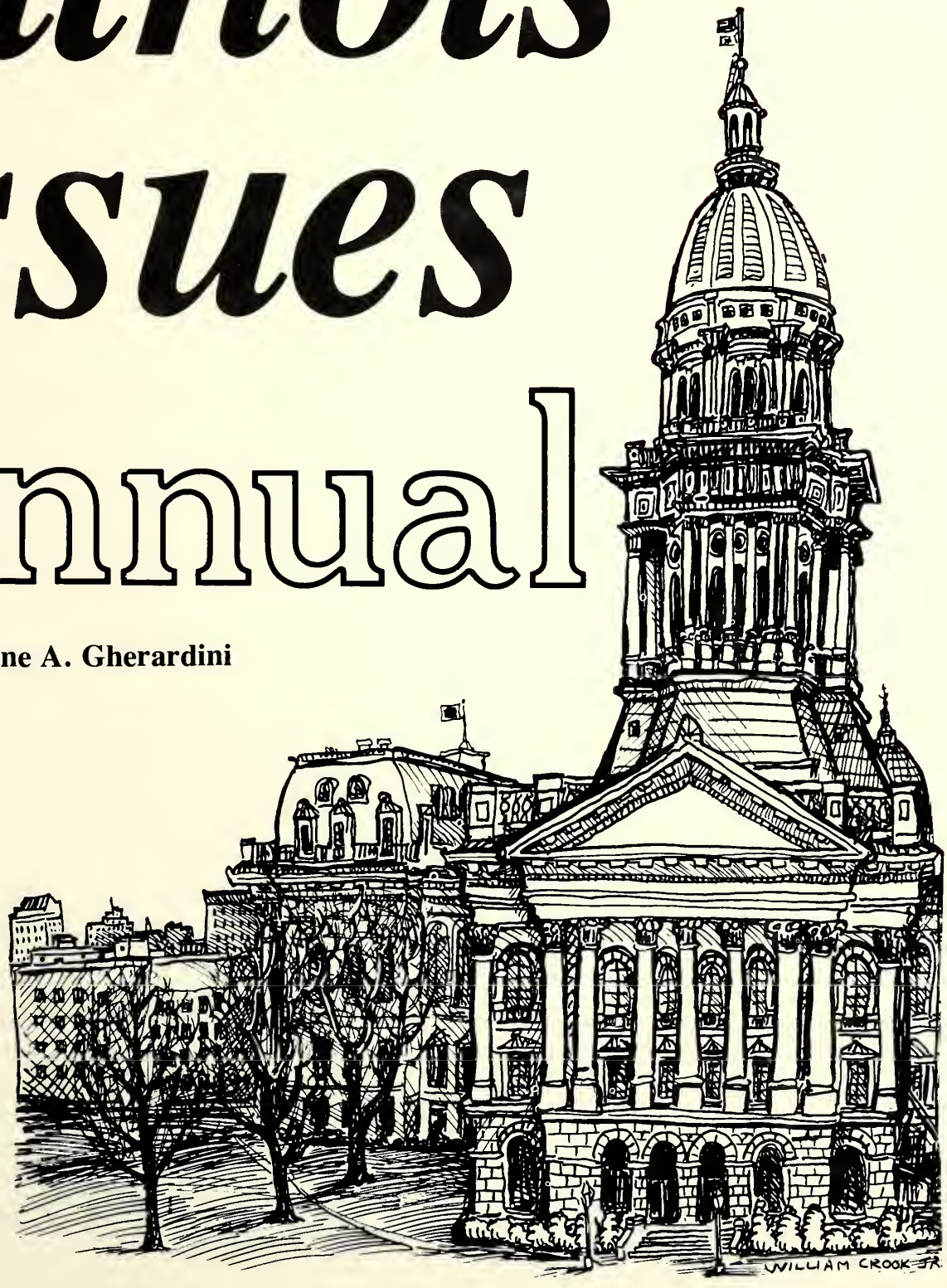
Illinois Issues Annual

Edited by Caroline A. Gherardini



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Edited by Caroline A. Gherardini

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Preface

This first edition of the *Illinois Issues Annual* contains a selection of articles published in 1975 in *Illinois Issues: The magazine that makes public business your business*. The articles in the *Annual* are divided into several topical sections and provide thoughtful and comprehensive coverage of Illinois government and public affairs during the past year. The *Annual* has broad interest for all citizens of the state, but was especially designed for the classroom use of students of government, politics and social studies generally. Journalists, academics, government officials, students and other informed observers of public afairs in Illinois have written the articles collected in the *Annual*. The publisher of the *Annual* is the Legislative Studies Center of Sangamon State University, Springfield, Illinois, but the actual selection of articles from the magazine was based on the recommendation of a committee of high school and university teachers in the state.

Illinois Issues is a magazine of government and public affairs published monthly by Sangamon State University. Each month, the magazine contains an interview with a government official or public figure and articles on issues, procedures and agencies of Illinois state and local governments. Monthly columns include "The state of the State," concentrating on a current development in Illinois government; "Chicago," covering some aspect of public affairs in Chicago and its suburbs; and "Washington," detailing federal issues directly affecting Illinois. The magazine also includes summaries of Illinois' legislative action, judicial rulings, and reports on executive action, including attorney general opinions. *Illinois Issues* is available by subscription at $15 for one year (12 issues), $27 for two years (24 issues), and $40 for three years (36 issues). Editorial and business offices: 226 Capital Campus, Sangamon State University, Springfield, Illinois 62708.

Illinois Issues is like no other publication in the state; it provides thorough and objective coverage of public affairs at the state and local level of government in Illinois. Because of its uniqueness, the magazine and the *Illinois Issues Annual* are especially valuable in bridging the gap in classroom study between theoretical textbooks and the realities of political practices and governmental processes in the state.

The Legislative Studies Center administers the Illinois Legislative Staff Internship Program, Illinois Private Sector Internship Program and Applied Legislative Study Term/Springfield Semester, and also directs public policy seminars and research on legislative processes and issues. Papers published by the Illinois Legislative Studies Center include: *Issues in Illinois Policy, Volume I: 1974,* edited by Leon S. Cohen; *Marital Dissolution and the Adoption of No-Fault Legislation,* Walter D. Johnson; and *Issues in Illinois Policy, Volume II; Proceedings of the Energy Policy and Technology Seminar,* edited by J.W. Ahlen and Charles R. Burns.

Acknowledgments

The Illinois Legislative Studies Center of Sangamon State University thanks the following individuals who helped in the selection of articles for this Annual: *Robert A. Bunnell, associate professor of administration, Sangamon State University; David Everson, associate professor of political studies, Sangamon State University; Sam Gove, director, Institute of Government and Public Affairs, University of Illinois; Ann M. Pictor, educational consultant, Social Studies Program Planning and Development, Illinois Office of Education; Al Popowits, East Leyden High School, Franklin Park; Amy Weden, Peoria Heights High School District 325, Peoria, and Dean A. Woelfle, Community High School District 309, East Peoria.*

Table of Contents

The Illinois Constitution of 1970 sets the framework for governing our state. Views on the Constitution are reported from the president and delegates of the Constitutional Convention and legislators. Coming to Springfield? Don't miss the Guide to the Capitol.

Government is more than a set of structures; it is a dynamic process. The following articles highlight: tensions within the executive branch over the control of legal services and the budget process; differing styles of interaction between governors and the legislature; the increasing workload of legislators, and the informal roles played by the news media and students.

The people in government make a difference. Service in government affects the lives of these people as revealed in these interviews with a governor and two candidates for governor, and in articles by two U.S. Congressmen from Illinois.

The Illinois Constitution of 1970 guarantees equal rights for women. These articles examine some of the realities facing women in Illinois government, provide a comment on the proposed Equal Rights Amendment to the U.S. Constitution, and a biography of an important official who is also a woman.

A complex system of state and local government agencies deals with crime in Illinois. New laws and programs are being developed to improve protection of citizens and the treatment of offenders.

Continue on the following page.

The issues of environmental protection and energy use and development are entwined in a crucial way, particularly in Illinois. These articles explore the role of a relatively new agency, the Environmental Protection Agency, the concepts involved in energy planning, and the problems surrounding choices between nuclear and coal-based energy production.

VI. ENVIRONMENT AND ENERGY

Our Constitution of 1970 has provided Illinois communities with the broadest grant of "Home Rule" powers in the nation. A four-part series reviews this complex and widely misunderstood concept, and additional articles focus upon the debate over the township as a unit, the changing role of county government, and the importance of the assessment process.

VII. LOCAL GOVERNMENT

Government is the servant of the people, but it serves best when citizens are willing to expend the time and the energy necessary to understand the system and use its agencies and processes for their own best interests.

VIII. GETTING THINGS DONE

IX. SELECTED STATE REPORTS

If you've enjoyed the articles in the Annual *and you want more detail, check* Selected State Reports. *Items under "State Documents" are published by state agencies. Some of them deal with subjects covered in the* Annual. *These publications are sent to the Illinois State Library and are usually available to local libraries through interlibrary loan. Requests for copies can also be sent to the issuing agency. Begins on page 8.*

Reprinted from Illinois Issues, December 1975

By SAMUEL W. WITWER

Adoption of Constitution linked to U.S. bicentennial

Like the colonists, the people of Illinois felt deprived of their basic rights

EDITOR'S NOTE: It seems appropriate as Illinois observes the fifth anniversary of the popular ratification of the 1970 Constitution to bring to our readers a condensation of the address which the president of the 1969-70 Constitutional Convention delivered in Lincoln, Illinois, on June 7, 1975, when he was made a laureate of the Lincoln Academy of Illinois. Mr. Witwer's address dealt with Illinois constitutionalism and the American bicentennial.

SAMUEL W. WITWER
A Chicago lawyer long active in civic affairs, he was at the forefront of campaigns for constitutional revision in Illinois beginning with the successful campaign for the 1950 Gateway Amendment. His role as president of the Sixth Illinois Constitutional Convention was preceded by service as a member of the Constitution Study Commission and as volunteer general counsel for the Illinois Committee for Constitutional Convention, Inc.

IN 1970 the people of Illinois won adoption of their Constitution of 1970 after a struggle lasting almost 100 years. The 1870 Constitution had become virtually unamendable before the turn of the present century. Written with rigid detail and precision to meet the needs of a rural and agrarian society, it was incapable of meeting the vast changes which had occurred in our state's transition to an urban and industrial lifestyle. It was a constitution to be "lived around" not "lived under." Describing this cynical public attitude the late Gov. Adlai Stevenson when urging the call of a Constitutional Convention in 1948 said:

> "In another environment, the energetic ingenuity we have developed here in Illinois to avoid the anachronisms of our Constitution might be amusing but it can not be amusing when it concerns basic principles of government. A constitution, as Americans look at things, is to be respected and obeyed, not evaded and flouted."

I would remind you that initially the thrust which brought the 13 colonies together was not a quest for independence but a desire to secure the benefits of the English law and constitution which too long had been denied the colonists. They revolted not against the law or the constitution. Their complaint was that they were wrongfully denied the blessings of both. Like their spiritual forefathers of 1775, the people of Illinois had come to feel that they had been deprived of the benefit of their basic laws. With growing insistence they demanded a constitution that would permit government in Illinois to be straightforward and candid. In my considered opinion, the 1970 document is such a constitution.

The new Illinois Constitution was the accomplishment of a great many people, including the leaders of both political parties. Illinois has been particularly fortunate in having a series of dedicated and wise governors who were keenly aware of the need for comprehensive constitutional renewal. Governors Stevenson, Stratton, Kerner, Ogilvie and Walker, each in his turn, threw the full weight of his leadership behind the recurring campaigns involved in the revision effort.

A second aspect of our Illinois experience pertains less to history than it does to contemporary spirit, mood and sense of purpose of our citizens. The generation of Americans living in the closing quarter of the 18th century resolutely confronted some of the greatest challenges and opportunities of all history: winning a military victory against Britain, creating a new nation—something that no people had ever done before—setting up a federal system to overcome the independence of 13 states that had thought of themselves as sovereign, ending colonialism and dealing with the American West, and writing state and federal constitutions that would place limits on government and yet create governments adequate to the exigencies of independence.

A few years ago as we first gave thought to the significance of July 4, 1976, one could assume that this would be a landmark anniversary overflowing with pride in our national past and abundant in hope for our nation's future. But something happened on the way. In recent years both our state and nation have experienced frustrations of spirit, confusion of purpose and conscience and division of our peoples.

On September 3, 1970, addressing the Illinois Constitutional Convention on its closing day, I said that the convention was a test, in a manner, in microcosm of our national will and purpose. Illinois met that test and, as one

state, provided an answer of hope to confront our national doubts, worries and disbelief. Over the many long years leading up to the convention, our people were frustrated at every turn in their efforts to amend or revise the 1870 Constitution. For over 50 years no proposed amendment to the Constitution surmounted the highly restrictive standards of passage imposed by the 1870 draftsmen. Repeated attempts to adopt Gateway Amendments foundered. Then after succeeding by a mammoth effort in adopting the first "successful" Gateway Amendment in 1950, the state was forced to try for 15 additional years, largely unsuccessfully, to find a way out of its constitutional straitjacket. Indeed for half a century the mood, vis-a-vis the future of state government, was one of despair, cynicism and disbelief. Many citizens said it couldn't be done. Yet it was done. The cumulative effort culminated in a big breakthrough in 1968 when on November 8 the citizens of Illinois "called" the Sixth Illinois Constitutional Convention by the largest voting margin ever given to any candidate or any proposition on a ballot in our state's history. Then meeting in Springfield 100 years to the day of the start of the convention which had written the 1870 Constitution, our Constitutional Convention set about its work.

The decade in which Illinois readied itself for a convention, held its convention, and then submitted the proposed constitution successfully to its people, was one of great divisiveness in the life of both state and nation. It was a divisiveness that bred open rebellion against the so-called establishment, against government, against the foundations of law that sustained the country, and that even finally laid waste to our streets and college campuses. I believe I do not exaggerate in saying that no state constitutional convention in the 20th century was held under more turbulent and politically adverse conditions.

Yet Illinois achieved a generally successful outcome and drafted and adopted what even cautious political scientists define as a "good" Constitution. That is why on the record of the Illinois experience I am optimistic about the future of American state and national government. And other states are taking "heart" about the chances of achieving long overdue renewal of their constitutions because they witnessed our success.

The third and last aspect has to do with Illinois' improved capabilities to contribute to an improved federalism. Under the federal Constitution the national government and the states are partners yet traditional federalism is today under severe scrutiny and review. There is taking place an evolutionary process, and new techniques and goals of the partnership operation are being referred to as the "New Federalism."

For one thing there is a growing desire for a substantial reversal of the Washington flow of power and to return some of it to the states. Contrary to hopeful assumptions made during the "New Deal" years, not all big federal spending programs have proven effective, efficient, or serviceable. Too often the impersonal, mechanical and massive federal treatments end up orienting themselves toward self-perpetuation and self-enlargement rather than being oriented toward people and their needs. The New Federalism looks toward a return to the states of those "People Programs" which can be more effectively and equitably administered at state and local levels than in Washington.

This is about where federalism started in the early days of the Republic and in the thinking of the founding fathers. The New Federalism seeks the best possible rule for the division of labor between the states and our national government.

The National Municipal League reports more activity in state constitutional reform in that past decade than at any other time of constitution-making in our history, including the period following the Civil War. The states are seeking to ready themselves for more effective service by throwing off constitutional anachronisms. Illinois can be proud that it is one of the few states which have in this century succeeded in comprehensive constitutional revision.

Of course, political utopia did not come to Illinois in 1970. Many of the opportunities for improved government under the new Constitution have yet to bear fruit and it may be some time before they do. But for those of us who have learned to labor and to wait, the exciting fact is that we are witnessing movement in our state and local government. Already there is sufficient evidence that our new provisions strengthening the executive—calling for modern fiscal systems, enlarging the powers of our cities, authorizing innovative and effective intergovernmental relations—to mention but a few, are enabling Illinois to become a better partner in the federal system.

As Illinois now goes forward under its new Constitution and this country enters its challenging third century, let us remember that by tradition we are "a people on the way." Just as the American Revolution did not start at Concord, it did not end at Yorktown. The very meaning of America is "unfinished business." We must resist the temptation to be irresolute, worried, lacking in confidence in our capacity to deal with our "unfinished business." It will be well and competently attended to by this and future generations if we move forward in that spirit of hope, with the sense of mission, and courageous commitment to principle that fired an earlier generation of patriots who established our nation.

In closing I could not better portray the spirit that is so greatly needed today than by telling you of the closing day of the 1818 Illinois Constitutional Convention when 33 delegates assembled in Kaskaskia, completed the first constitution of Illinois and set the stage for our statehood. In a fascinating account in the September 2, 1818, issue of *The Illinois Intelligencer,* it is told how an impromptu civic celebration was held by the citizens of Kaskaskia when they received word of the completion of the drafting of the 1818 Constitution, how they fired a federal salute in front of the old territorial capitol and participated in other ceremonies perpetuating remembrance of the day. The news article went on to say:

> "This was truly a proud day for the citizens of Illinois . . . . A day on which hung the prosperity and hopes of thousands yet to follow. . . . a day connected with the permanent prosperity of our literary, political, and religious institutions."

The old French town and first capital of Illinois long ago disappeared under the shifting waters of the Mississippi. May that spirit of old Kaskaskia never disappear in our great state and throughout our land.□

Reprinted from Illinois Issues December 1975

SPECIAL STAFF REPORT

After 5 years, Constitution has both friends and foes

Home rule provisions, the amendatory veto, 8:5 income tax ratio, personal property tax, single-member districts, selection of judges—these are the topics that drew the most attention in a survey by *Illinois Issues*

AS DECEMBER 15, 1975, the fifth anniversary of the popular ratification of the new Illinois Constitution approaches, a cross-section of informed Illinois citizens have expressed approval of major features of the new charter, but this general approval is accompanied by identification of several alleged defects. In addition, many who responded to a survey thought constitutional amendments were needed.

The home rule provisions of Article VII, the local government article, drew the most favorable mentions as well as some of the most adverse criticisms. Article IX, revenue, was also the subject of considerable pro and con comment. In addition, two controversial topics which failed when presented as separate propositions five years ago with the Constitution—single-member representative districts and appointment of judges—surfaced again in recommendations for change. Likewise the governor's amendatory veto—the subject of a proposed constitutional amendment that failed in 1974—stirred comment favorable and adverse.

Illinois Issues sent a brief questionnaire in early August to a group which included elected state officials, Constitutional Convention delegates and staff, legislative leaders and chairmen, and officers or spokesmen of civic and other organizations. One hundred and thirty-three questionnaires were mailed out and replies were received from 40 persons (about 30 per cent). The questionnaire asked:

1. *What part of the new Constitution is working out best? And why do you think so?*
2. *What part, if any, is seriously deficient?*
3. *Are amendments needed? What amendments?*
4. *Any further comment?*

The new basic law was drafted by a convention which met in Springfield from December 8, 1969, to September 3, 1970. The Constitution became generally effective July 1, 1971, after voter ratification in a special election on December 15, 1970. A total of 2,017,717 ballots were cast in the election. The ballot also included four separate propositions (see Table 1)—single member House districts, appointment of judges, abolition of the death penalty, and lowering the voter age to 18.

None of these separate questions passed. A United States Supreme Court decision in 1972 so sharply restricted use of the death penalty that many considered it had been abolished, although legislatures have since sought to conform to the court's guidelines in restoring the death penalty in limited circumstances. The voting age was lowered to 18 in 1971 by ratification of the 26th amendment to the federal Constitution. But single-member districts and the selection of judges remain live issues in Illinois, as the survey shows.

Table 1
Special Constitutional Election December 15, 1970

Total vote cast	2,017,717
Approval of the Constitution	
Yes	1,122,425
No	838,168
Single-member representative districts	
Yes	749,909
No	1,031,241
Appointment of judges by governor from nominees submitted by commissions	
Yes	867,230
No	1,013,559
Abolishing the death penalty	
Yes	676,302
No	1,218,791
Lowering voting age to 18	
Yes	869,816
No	1,052,924

Wide range of opinion

Responses to our survey showed a wide range of opinion toward the new Constitution. Attorney General William J. Scott termed it "a superb document, an enduring credit to the wisdom of President Samuel Witwer and the members of the Constitutional Convention" which "has served the people of Illinois exceptionally well."

On the other hand, Rep. Dwight P. Friedrich (R., Centralia), a Con Con delegate, wrote, "At this point I believe the new Constitution is considerably inferior to the old one." And Rep. Romie J. Palmer (R., Blue Island), minority spokesman on House Judiciary II Committee, said he thought the parts of the Constitution which were working out best were

Home rule offers flexibility, creativity says a legislator, but a labor spokesman says it sets up two law-making authorities

"probably those parts reenacted from the 1870 Constitution because of settled meanings."

Table 2

Major changes in the 1970 Constitution

Bill of rights: Prohibits discrimination in jobs and housing based on sex or race. Equal rights for women. Prohibits discrimination against the handicapped. Permits freedom from unreasonable eavesdropping.

Legislative: Legislature can override vetoes by a three-fifths vote. Governor given reduction and amendatory vetoes. Annual sessions.

Executive: Executive agencies may be reorganized by governor. Elections in nonpresidential years, starting in 1978. Joint election of governor and lieutenant governor. Comptroller replaces auditor.

Judicial: Judicial Inquiry Board created. Two or more counties may share one state's attorney.

Elections: State Board of Elections provided.

Education: State given primary responsibility for financing education. State Board of Education provided for; Board to appoint chief education officer.

Revenue: Classification of property in larger counties allowed. Corporate income taxes and individual income taxes to be in ratio of 8:5. Legislature to abolish personal property tax by 1979 and provide replacement. Permits certain tax exemptions. Debt restrictions eased.

Finance: New article providing for executive budget, auditor general selected by legislature, and uniform accounting system.

Local government: Home rule provisions for some counties and municipalities. Sheriffs and treasurers may succeed themselves. Enables intergovernmental cooperation. Permits area taxes for special services.

Constitutional revision: Reduces legislative vote and popular approval vote needed to three-fifths. Same for legislative vote on amendments to United States Constitution; also requires general election before legislature can consider such amendments. Provides for popular initiative in certain legislative article changes.

Additions: Environmental article. Economic interest statement for certain officials required. Allows state aid for transportation. Protects public employee pension rights.

Source: Adapted from Samuel K. Gove and Thomas R. Kitsos, *Revision Success: The Sixth Illinois Constitutional Convention* (National Municipal League, New York, 1974), pages 114-116.

"Members of the Illinois General Assembly continue to attack the work product of the Constitutional Convention," wrote Rep. Thomas H. Miller (R., South Holland), who was a delegate to the convention. "However, I see no evidence to indicate damage to any Illinois citizen because of its passage."

But the speaker of the House, William A. Redmond (D., Bensenville), is pessimistic. "I am afraid the 1970 Constitution may result in unbridled taxation and expenditure at all governmental levels," he wrote.

Two Constitutions compared

Inevitably the new Constitution is compared to its predecessor, a charter drafted soon after the close of the Civil War which served Illinois for a century. But in its major structural aspects, the new Constitution does not differ markedly from the older document. The membership of the Senate was increased by one. One executive officer, the chief education officer, was made appointive rather than elective, and the title of another was changed (auditor to comptroller). Provision was made for a legislative postauditor. Nevertheless, many changes were made, as shown in Table 2, based on a recent study of the convention.

Local government and home rule

Article VII, the local government article of the new Constitution is new; the previous Constitution had an article dealing with counties which mentioned townships but did not deal with other forms of local government. Article VII provides for "home rule" for counties which have an elected chief executive (thus far only Cook County qualifies) and municipalities with a population of more than 25,000, as well as municipalities which may elect by referendum to become home rule units. The article provides considerable flexibility in the structure of county governments; provides for the formation, consolidation, or dissolution of townships by referendum; permits additional taxes for special services in a selected area of a county or municipality; and permits intergovernmental cooperation.

More than a third of the survey respondents named the home rule provision as the part of the new charter that is working out best. Examples of comments are:

David Kenney, Southern Illinois University, Carbondale, former delegate: "Home rule is the most significant part. It offers local governments much opportunity to solve their problems."

Rep. Virginia B. Macdonald (R., Mount Prospect), former delegate: "Home rule has offered the most dramatic flexibility and creativity to government in Illinois."

Donna Schiller, state president, League of Women Voters, Chicago: "Home rule has furnished local government with a creative and innovative tool which many are utilizing to strengthen and increase efficiency."

Rep. Gerald W. Shea (D., Berwyn), majority leader of the House: "The home rule section takes the burden of local problems off the legislature, and it has not been abused as critics said it would."

But some take the opposite view with respect to home rule. Examples:

Robert E. Cook, Illinois Association of Realtors, Springfield: "If home rule is carried to the extremes that some city spokesmen have proposed, there won't be enough of the state left for the legislators to bother governing."

Rep. Romie J. Palmer (R., Blue Island): "I question the long-term effect of the home rule section. The Con Con delegates could have set up the conditions for a state within a state."

Lawrence E. Reinold, Illinois Association of Federal, State, County and Municipal Employees, Springfield: "Home rule puts any organization that has statewide programs in a dilemma of not knowing how to achieve goals in each home rule unit .... This constitutional provision affects almost every piece of legislation submitted in the General Assembly. Practically every bill must be amended to read, 'Home rule units are not subject to this act.' This procedure is causing a split in authority. One authority is the General Assembly and covers the smaller communities, and the second authority is the home rule units."

One respondent took a wait-and-see attitude:

Rep. Harold A. Katz (D., Glencoe), chairman, House Judiciary II Committee: "We ought to evaluate particularly carefully in the years ahead the operation of the home rule amendments and the provisions relating to the incurring of debt by the state and by government units. I do have some con-

cern over their long-run effects."

One respondent supported the local government article's purpose but was critical of its language:

Rep. Miller: "The local government article has created chaos in municipal and local governmental bodies due to a lack of understanding of its provisions by the average municipal official. In this regard, the constitutional convention failed to produce clear, concise language probably due to its adoption in the closing hours of the convention with no time left for a major amendment to rectify."

Other parts of the local government article singled out for favorable mention were provisions for intergovernmental cooperation, special area services, and permitting county treasurers and sheriffs to succeed themselves in office. For example:

Jay Smith, Urban Counties Council, Chicago: "The intergovernmental cooperation and special services areas provisions offer a broad opportunity for innovative arrangements whose impact has not yet been felt."

Clayton C. Harbeck, Illinois Sheriffs' Association, Oglesby, endorses provisions "pertaining to county government, especially with reference to succession of sheriffs and treasurers."

Revenue article

Article IX of the 1970 Constitution deals with taxes and borrowing. This was one of the most "rigid" parts of the previous Constitution where a uniformity clause was thought for many years to prohibit an income tax. But a flat-rate income tax was adopted in 1969 and subsequently upheld by the courts. The new revenue article is flexible with respect to exemptions for nonproperty taxes. It permits classification of real property in counties over 200,000 and allows homestead exemptions or rent credits.

Two features of the revenue article continue to be controversial: the 8 to 5 ratio between the corporation income tax and the personal income tax, and the abolition of the personal property tax. At the 8 to 5 constitutional income tax ratio, the corporation income tax is set at 4 per cent, and the personal income tax at 2½ per cent. The tax on corporations cannot be increased without increasing the tax on persons, for example, since this would change the ratio. Nor for that matter, can either tax be lowered without lowering the other tax.

Personal property taxes applicable to individuals were abolished by an amendment to the old Constitution adopted in its waning hours in November, 1970. The new Constitution retains this abolition but further provides for abolition of *all* remaining personal property taxes—primarily, taxes on corporate property—on or before January 1, 1979. The lost revenue is to be replaced by a nonproperty tax on those relieved of the burden of the personal property tax.

Examples of comments on the revenue article:

Lester W. Brann, Jr., Illinois State Chamber of Commerce, Chicago: "The revenue article, and related financial provisions, seem to be working out best. The drafters' careful balancing of the limitations in the article . . . give realistic assurances on maintaining economic balance in Illinois. This balance translates into jobs, continued economic growth, and a realistic method of keeping taxes in check, everyone's taxes."

Maurice W. Scott, Taxpayers Federation of Illinois, Springfield, a former delegate, took the position that the "revenue article is working well in that it makes it possible for many of Illinois' taxes to be more equitable when implemented by the General Assembly." But, Scott considered the personal property tax replacement provision deficient "because the intent is spelled out in weak language."

Rep. William D. Walsh (R., Elmwood Park), assistant minority leader of the House: "In my opinion the revenue article is working well. There seems to be little doubt as to its meaning."

But others disagree. For example:

Rubin G. Cohn, University of Illinois College of Law who served on the staff of Con Con: "Article IX prohibitions against graduated income tax and the 8-5 maximum ratio of corporate to individual income taxes . . . impose serious obstacles to a sound and equitable state revenue policy and have no place in the Constitution."

Jeannette Mullen, Barrington Hills, former delegate: "The provisions on replacement of the personal property tax are pretty ridiculous and may make it a practical impossibility to remove that tax—all of which was apparent when the amendments [to the original draft] were attached."

Joseph T. Meek, Western Springs, also a former delegate, likewise cites as an example of a deficiency "the ambiguities in ad valorem [personal property tax] replacement source problem, as amended by the delegates during the final days of the convention."

State debt

The old Constitution required a referendum before money could be borrowed against the state's credit; the new Constitution permits borrowing

Recommendations for change include two proposals that failed: single-member legislative districts and 'judicial merit selection'

without referendum if authorized by a three-fifths vote of members elected to each house. Comments were both favorable and adverse:

Ann Lousin, John Marshall Law School, Chicago, member of Con Con staff and former House parliamentarian: "The three-fifths vote requirement is an adequate safeguard against bonding to finance special or regional interests at the expense of the whole state. This is superior to the old $250,000 debt limit which provided the impetus for 'quasi-public' agencies which incurred debt and were not responsible to the public."

House Speaker William A. Redmond, Bensenville: "The removal of the bonding limitation and too lenient provisions for issuing new bonds may be a disaster."

Legislative article

Probably the most controversial additions in the new legislative article, Article IV, have to do with the governor's veto powers. In addition to the full veto of a bill and the veto of appropriation items (which were in the 1870 Constitution) the new Constitution added the reduction veto and the amendatory veto. The reduction veto can be used to reduce the amount of an appropriation item. The amendatory veto can be used by the governor to return a bill to the legislature with his recommendations for change. It takes a three-fifths vote of the members elected to each house to override a full veto or item veto or to pass a bill over an amendatory veto, but a majority vote of members elected to each house will suffice to restore a reduced appropriation to the original amount or to accept the recommendations for change in an amendatory veto. Some favorable comments on the legislative article were:

Ms. Lousin: "The deletion of procedural constitutional restrictions on passing bills, such as the three readings at large rule" was an advance. "Nobody heeded these restrictions anymore and their nonobservance in the last 50 years created only disrespect for *all* constitutional provisions."

Paul E. Mathias, Bloomington, former delegate, favored the reduction and amendatory vetoes because they "permit the governor to reduce or veto appropriation items without vetoing the entire bill [so that he] can eliminate 'pet' projects, control state expenditures, balance budget against an irresponsible legislature."

John D. Wenum, Illinois Wesleyan University, Bloomington, former delegate: "The amendatory and reduction vetoes have given new vitality to state policy-making, despite the continuing debate over the extent of the governor's powers under these provisions. This is of major import in a state where the legislature is subject to (and surprisingly responsive to) pressures from narrow-based interest groups."

One respondent was generally critical of the legislature:

Richard Murphy, Urbana, convention parliamentarian: "The quality of the General Assembly hasn't much improved—the same Chicago-downstate squabbles, the mad rush on bills at the end, and failure of the governor and assemblymen to cooperate."

Others criticized the amendatory veto provision:

Sen. James H. Donnewald (D., Breese), a Senate assistant majority leader: "The authority . . . for the governor to issue amendatory vetoes is not clear enough . . . . There is a real question as to whether the framers meant the amendatory veto to serve just to correct technical errors, or whether it allows extensive rewriting of legislation, as our last two governors have argued."

Rep. Macdonald: "I feel the governor's amendatory veto has been consistently abused and after the test of five years a change is needed."

Sen. Frank M. Ozinga (R., Evergreen Park), chairman, Legislative Council: "The governor has assumed a dimension of power through the use of various vetoes that was not intended to be given."

Election of representatives

The system of cumulative voting for the election of representatives was also the subject of adverse comment and proposals for constitutional change. Under this system, three representatives are elected in each district, and the voter has three votes which he can distribute among candidates as he sees fit. Critics of the system prefer single-member districts (the proposition which was submitted separately along with the Constitution but which failed of adoption) and some would at the same time reduce the size of the House. Some comments were:

David Davis, Bloomington, former delegate: Noted as deficient the "size and selection of legislature."

Elbert Smith, Decatur, former delegate and Con Con vice president: "Amend to provide for election of state representatives from single member districts. Eliminate cumulative voting for state representatives."

Annual legislative sessions

Some respondents opposed unlimited annual legislative sessions:

Sen. Donnewald: "An amendment to restrict one year of a legislative session to consideration of only revenue and appropriation bills should be submitted to Illinois voters."

Sen. Phillip J. Rock (D., Chicago), and assistant majority leader of the Senate, favors "restricting even-numbered year session of General Assembly to revenue and appropriation consideration only."

W. Paul Neal, Jr., Illinois State Chamber of Commerce, Chicago, favors amendment to "restrict the consideration of legislation in odd numbered years to appropriations, revenue and governor's veto action which would still allow emergency general legislation to be considered through special session calls of either the legislative leaders or the governor."

Effective date of laws

One respondent was critical of the provision which requires a three-fifths vote of members elected to each house if legislation passed after July 1 is to become effective prior to July 1 of the following calendar year.

Ms. Lousin: "It serves only to *prolong* sessions beyond June 30, not to *terminate* them, as was intended. Now a faction of 40 per cent or more can seek to delay passage of a bill on June 30, so that it is in a better bargaining position

on July 1, when the three-fifths requirement goes into effect."

Judicial article

Several respondents favor the appointment of judges by the governor from names submitted by judicial nominating committees, a reform referred to by its advocates as "merit selection" of judges. For example:

Lawrence X. Pusateri, president, Illinois State Bar Association: "The judicial article is seriously deficient in failing to provide for merit selection of judges on a nonpartisan appointive basis."

William L. Fay, Jacksonville, chairman of Con Con judiciary committee: "We still have a need for merit selection of judges . . . ."

This proposal was one which failed of adoption when separately submitted in 1970 (see Table 1).

The Judicial Inquiry Board, an innovation for Illinois, was commended; the board, composed of two judges, three lawyers, and four laymen, can initiate complaints concerning the conduct of judges and file complaints with the Courts Commission, a disciplinary body. For example:

Rep. Anne Willer (D., LaGrange), former delegate: "I served on the board for three years and saw a vast improvement in this area compared to the old system."

Mr. Wenum: "The board has brought checks to bear upon members of the court system which were long overdue. No longer can arrogant, incompetent and unethical judges act against the interests of justice and the public with inpunity. Although the number of such judges is, fortunately, small, more of them have felt the pressures of investigation and censure in the last four years than in the previous 50."

Bill of rights

The merits of the new bill of rights, Article I, were noted by the attorney general and by a lawyer who served as chairman of the convention committee on this topic:

Attorney General Scott: " . . . Important areas of the new Constitution include the bill of rights, including the prohibitions against discrimination in employment and housing and discrimination toward the handicapped."

Elmer Gertz, Chicago, former delegate: "It is arousing no controversy. It has been implemented by legislation and more legislation will be enacted. Court decisions and attorney general opinions have been helpful."

Elections

Some unfavorable comment was directed at the State Board of Elections, provided for in the suffrage and election article, Article III:

David F. Ellsworth, Common Cause/Illinois, Springfield: "By leaving the responsibility to the General Assembly for determining the size, manner of selection and compensation of the Board, party politics were allowed to play a great part in determining the future of what was intended to be a reform provision of the new Constitution."

Education

New is the assertion in the education article (Article X) that the state has "primary responsibility for financing the system of public education." This drew particular mention from a member of the Chicago Board of Education:

Gerald L. Sbarboro, chief clerk of the convention: "This has fostered state legislative action which has led to greater state funding of education—which will have great long-range benefits to our children."

Amending the U.S. Constitution

Amending the federal Constitution now requires (under Article XIV) the affirmative vote of three-fifths of the members elected to each house. This has been criticized.

Ms. Virginia L. Holcomb, American Association of University Women, Springfield: "A constitutional majority (half plus one) would be sufficient considering the two-thirds requirement for both houses of Congress and the required ratification of three-fourths of the states." (Note: Ratification of the Equal Rights Amendment by Illinois has been blocked in the Senate because of a three-fifths requirement.)

Other provisions

Other provisions mentioned favorably were fiscal controls (the new office of comptroller and the Finance Article), the requirement on certain public officers for filing a verified statement of their economic interests, and the assertion that public transportation is an "essential public purpose for which public funds may be expended."

Bill of rights, finance, education articles receive praise; Common Cause officer critical of state Board of Elections

Amendments proposed

While many respondents suggested constitutional amendments to cure defects they perceived, others were silent on this possibility or opposed change at this time. Examples of the latter:

Attorney General Scott: "I see no need for amendments at this time."

Mr. Meek: "I think we should leave the 1970 document alone for yet awhile."

The amendments suggested were in line with the adverse comments described above. The leading topics concerned single-member representative districts with an end to cumulative voting and appointment of judges ("merit selection").

Additional amendment proposals were: Spell out specific duties for the lieutenant governor (Maurice W. Scott). Eliminate the requirement for recording and transcribing legislative debates (Speaker Redmond). Clear up an ambiguity in the language concerning a balanced budget which requires the governor to strike a balance between *spending* and estimated funds and the legislature to strike a balance between *appropriations* and estimated funds. (Mr. Brann). Give home rule units unrestricted power to incur debt up to a designated ceiling and require a referendum of the voters to authorize any debt above that ceiling (Maurice W. Scott). Make a county with a county manager form of government eligible for home rule powers (Mr. Wenum). Allow counties to make a service charge for tax administrative services and facilitate the consolidation and abolition of special districts (Jay Smith). Define the lines of authority between the governor and attorney general in regard to acting on behalf of the state in legal actions (Ozinga).□

By NICK PENNING

Reprinted from Illinois Issues, April 1975

A guided tour through the Capitol: Where to go and what to look for

Selected state reports

THE FOLLOWING bibliography has been prepared for *Illinois Issues* by the staff of the Institute of Government and Public Affairs, University of Illinois. Price and availability are indicated when known.

The heading "State Documents" includes items received by the Documents Unit, Illinois State Library, Springfield, and available there on loan. Starred items are distributed by the State Library to depository libraries which are located primarily at state universities in Illinois. Requests for copies should be sent to the issuing agency.

State Documents

Illinois. Commission for Economic Development. *Illinois Rail Abandonment Impact*. June 14, 1974. 7pp.*

Illinois. Bureau of the Budget. *State of Illinois Statistical Abstract, 1973*. 203pp.*

Illinois. Department of Business and Economic Development. *Illinois State and Regional Economic Data Book*. 1973 ed. 237pp.*

The following books are from the series *Studies in Illinois Constitution Making* which is being published for the Institute of Government and Public Affairs by the University of Illinois Press. Each is available from the Press, Champaign, Ill. 61820 at $3.45. Forthcoming titles will be listed in the bibliography.

Burman, Ian D. *Lobbying at the Illinois Constitutional Convention*. 1973. 119pp.

Cohn, Rubin G. *To Judge with Justice: History and Politics of Illinois Judicial Reform*. 1973. 164pp.

Cornelius, Janet. *Constitution Making in Illinois, 1818-1970*. 1972. 175pp.

Fishbane, Joyce D. and Glenn W. Fisher. *Politics of the Purse: Revenue and Finance in the Sixth Illinois Constitutional Convention*. 1974. 199pp.

Continued on page 10.

EVERY year thousands of Illinois citizens visit their state Capitol; in 1974, over 186,000 visitors toured the building. Many of these travelers arrive during the height of a legislative session, when the House and Senate are caught up in a flurry of meetings, caucuses and serious lawmaking. But for most of the visitors, the whole process remains a mystery, and after a few minutes in the gallery they leave for home—frustrated and angry at what appears to be an incomprehensible system of government. If you're planning a visit to the legislature, a little information and some advance preparations can make your trip a success.

The first thing to remember is that the Capitol, the House and Senate chambers, and the representatives and senators themselves, are all yours. Your taxes pay for the buildings, their upkeep, and for the salaries of the men and women who represent you. You needn't feel apologetic about visiting.

April, May and June

Before you come, contact one of your local legislators to make sure there's a session going on. Generally, the most active time of the year is in the late spring—the latter part of April, May and June. Your legislator can tell you what issues are before the House and Senate, and in particular what might affect your area. Newspapers will give you additional background information. You might check with each of your district's three House members and one senator-to try to get the points of view of all factions within both parties.

When you arrive in Springfield you'll find the Capitol standing out over the skyline, just west of downtown. If there is a session in progress, you can tell as soon as you walk in the front doors. There's an air of excitement and bustle, huddled conversations are taking place all about the building, people are moving quickly.

The galleries for both houses, where public viewing is allowed, are on the fourth floor. Most of the information you need is on the third floor, where the chambers themselves are located.

Legislative calendars

Start at the Illinois Legislative Council Information Booth, situated on the Senate side of the third floor rotunda, toward the grand staircase. Helpful volunteers will supply you with details on House and Senate procedures from 9 a.m. to 3 p.m. on days when the General Assembly is in session. The most important guides you can get at the booth are the legislative "calendars" for both chambers. These give the status of the various bills before the bodies as well as a very brief description of the legislation. Bills listed on "first reading" are those which have just been introduced and will be sent to a committee for further consideration and amending. "Second reading" bills are ones which can be amended on the floor of the House or Senate before being advanced to "third reading," or passage stage. Each bill must be "read" by title three times in each chamber before it can be voted on and either passed and sent on to the other house, or killed.

If you are interested in a specific bill and would like to read the record of previous proceedings to see how laws develop, your next stop would be the Senate and House "bill rooms." Each is on a different floor (third for Senate,

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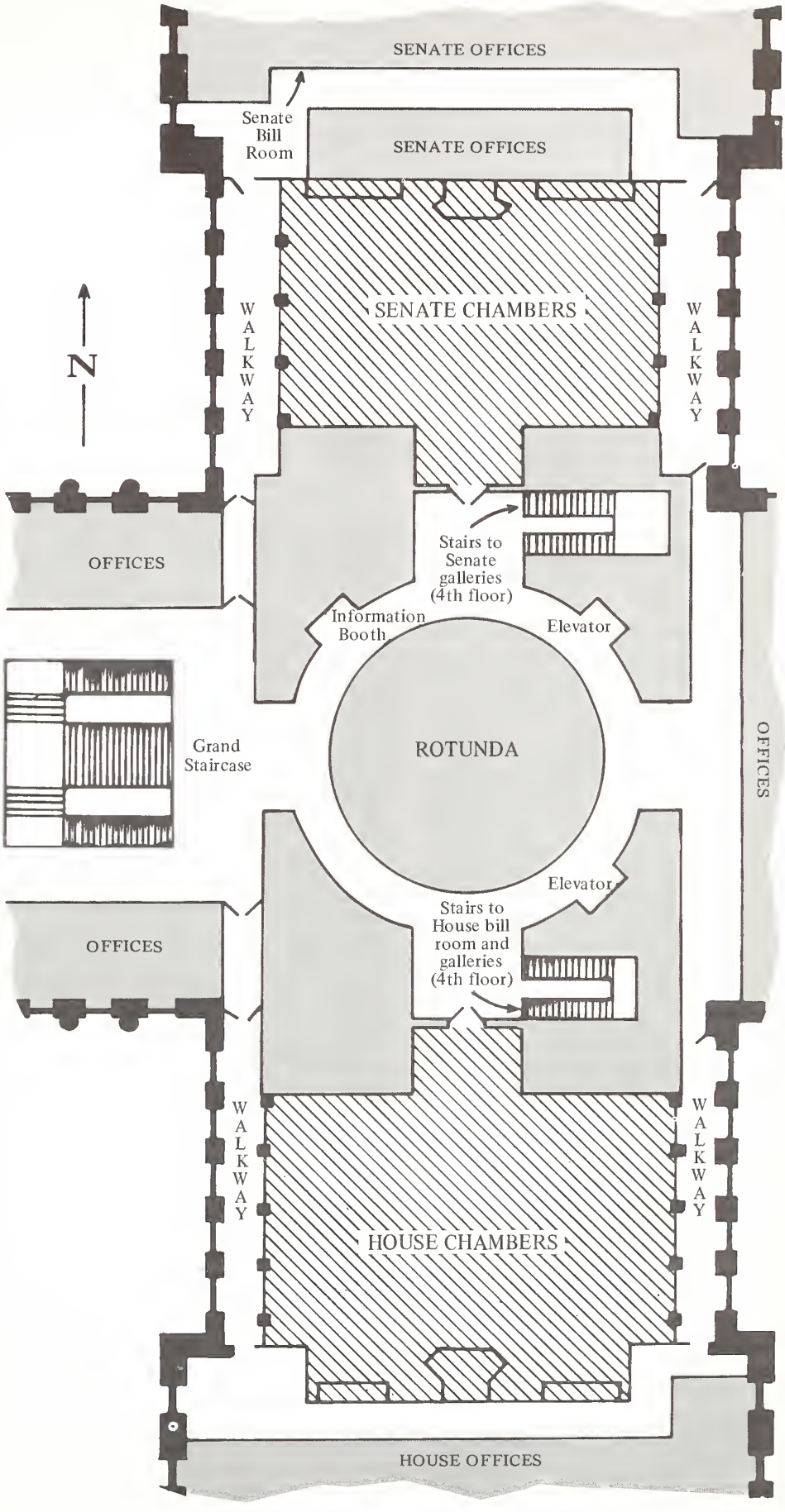
Follow this diagram of the third floor when you visit the Capitol in Springfield



fourth for House), and at each you can get a complete copy of all bills which originate in that particular house, plus a copy of the journal of previous sessions in that chamber.

For Senate bills and Senate journals, you should continue from the information booth toward the grand staircase but take a sharp right turn before the stairs and go through a doorway toward the Senate chamber. You'll pass a young lady at a desk. Continue straight toward the Senate by passing through a swinging door into the chamber itself. Loitering isn't allowed in this walkway, so march for the next set of swinging doors straight ahead. Now you're out of the chamber again. Keep going straight, past the corner Senate post office and straight into the office of the secretary of the Senate. The bill room is right there. Just ask the helpful clerk for what you need.

Finding the House bill room is not nearly so complicated. Just go back to the third floor information booth and head diagonally across the rotunda toward the large House chamber doors that the members go in. Immediately to the left of those doors is a staircase leading to the fourth floor, where the galleries to both chambers are. At the top of the stairs, walk straight in front of you and you'll run right into the much larger House bill room. It's automated and the clerks are speedy about processing your order for the materials. By the way, all the documents at the booth and the bill rooms are free of charge.

Watching the legislature

At this point, you should be ready to sit down to watch the legislature. The doors to the galleries are located directly above the members' entrances and are on the fourth floor.

Take a seat where you can get the best overall view. If a lot of students are

The committee process is the only point where direct citizen input is allowed in the way of testimony

filling all the chairs, wait a few minutes. They're probably on a tour and will be gone shortly.

The House is the more puzzling of the two chambers, mainly because there are more members: three representatives from each of the state's 59 legislative districts. One hundred seventy-seven people milling about can make a lot of noise, and the speaker of the House presides over the proceedings at the highest podium. In both chambers the Republicans sit on your right and the Democrats on your left, with the parties separated by the center aisle.

Clerks surround the speaker's podium at a semicircular desk facing the members. At long desks on either side of the speaker's rostrum, sitting against the wall, are the press. And seated on cushions in front of the media people are the House pages, young men and women who run errands for and distribute material to the representatives.

Party leadership

Each party has its spokesman on the floor, called the majority and minority leaders. Since the Democrats now have the most members, they are led by the speaker and his floor assistant, the majority leader. The Republican spokesman is now called the minority leader.

The set-up is similar in the Senate, but much more orderly, since only one senator sits from each of the 59 legislative districts. And the chief officer in this chamber is called the president, instead of the speaker.

The electronic voting boards are located both to the left and right of the presiding officer in each chamber. The display lights show how each legislator votes as a vote is being taken.

Since the Senate and House don't necessarily meet at the same times or adjourn at the same time, if one house isn't in session, the other one might be.

When adjournment time comes in the chambers, you can check if committees will be meeting to consider bills on first reading. A list of the committees, the time and place of their meetings, and the bills to be heard that day can all be found at the end of the House and Senate calendars. Committee rooms are scattered throughout the Capitol building and the large State Office Building across the street to the west of the Capitol. Most frequently used are: room 212 on the second floor, south, in the Capitol; room 400 on the fourth floor, east, in the Capitol; and rooms C-1 in the State Office Building, first floor, south; and A-1 and D-1 in the State Office Building, first floor, north.

If you're vitally interested in one certain bill that's to be heard by a committee, you can register your name with the secretary of that committee when you go to the hearing. You can then testify before the panel and give your objections or support for the bill. The committee process is the only point along the legislative ladder where direct citizen input is allowed in the way of testimony.

If you want to stop by your representatives' and senator's offices to say hello and let them know you're there or tell them what you think of the way things are organized or if you have a comment about a bill or two, the information booth volunteers can direct you to their offices.

The Capitol also has a cafeteria in the basement (take the elevator or the grand staircase) with hours from 7 a.m. to 3 p.m. unless the General Assembly is meeting; then, it stays open until the session is over. □

Selected state reports

Continued from page 8.

Gertz, Elmer. *For the First Hours of Tomorrow: The New Illinois Bill of Rights.* 1972. 178pp.

Gratch, Alan S., and Virginia H. Ubik. *Ballots for Change: New Suffrage and Amending Articles for Illinois.* 1973. 117pp.

Home Rule: An Annotated Bibliography with Emphasis on Illinois. Urbana: Institute of Government and Public Affairs, University of Illinois, 1974. 149pp. Available free to Illinois residents from the Institute, 1201 W. Nevada St., Urbana, Ill. 61801.

Kenney, David. *Basic Illinois Government: A Systematic Explanation.* rev. ed. Carbondale: Southern Illinois University Press, 1974. 438pp. (a textbook). Available from the Press, P.O. Box 3697, Carbondale, Ill. 62901 at $8.95.

Chicago: An Agenda for Change. A Symposium held at the University of Illinois at Chicago Circle, Sept. 13-14, 1974. [272]pp.

Chicago Area Transportation Study and Northwestern Indiana Regional Planning Commission. *1995 Transportation System Plan.* June 1974.

Regional Transportation Planning Board. *Evaluation: 1995 Highway-Public Transportation Networks* (for the Chicago-Gary region). [1974]. 77pp.

"Illinois Revenue Estimation: Fiscal 1974 Perspective and a Sales Tax Estimating Proposal," a report of the Illinois Office of the Comptroller (September 1974), 16pp. plus appendices.

Study No. 1 in the series Issues in Public Finance, this report develops an equation for more accurate prediction of Illinois sales tax yields.

"Patient Deaths at Elgin State Hospital," a Report to the General Assembly by the Illinois Legislative Investigating Commission (June 1974), 244pp.

A report into the deaths, under unusual circumstances, of several patients at a state facility for the mentally ill. Findings, conclusions, and recommendations of the commission are included.

Continued on page 34.

Reprinted from Illinois Issues, January 1975

By RUBIN G. COHN

Attorney General and Governor fight over control of lawyers employed by executive agencies

ON JULY 1, 1974, thousands of State employees faced the prospect of payless paydays. The immediate cause was a legislative impasse over an amendment earlier added at the request of Attorney General William J. Scott to restrict line-item appropriations for legal services "for the sole and exclusive use of the Office of the Attorney General" to the bills for executive agencies.

Though approved by the Senate with substantial bipartisan support, the amendment failed to pass the House when Governor Dan Walker labelled it an unconstitutional attempt by the Attorney General to control the legitimate legal-policy services performed by "house counsel" traditionally employed by executive departments. The bills remained locked in conference committee, with the issue assuming partisan overtones as political lines formed behind the Governor and the Attorney General.

The conflict remained unresolved into the new fiscal year, until July 10, when the possibility of payless paydays and accompanying political charges and countercharges reported in the media resulted in Scott's public statement strongly affirming the constitutional basis of his position, but agreeing to a withdrawal of the controversial amendment on the bills in conference committee in order to prevent "the possibility of innocent people — career employees — facing payless paydays."

The concession did not include the amendment on appropriation bills for five executive agencies. Earlier, the amendment to the Department of Public Aid bill had been modified by agreement of the Governor and the Attorney General to eliminate the "exclusive control" phrase and to limit the appropriation to "assistant Attorneys General engaged in enforcement services," the latter concept being acceptable in principle to the Governor.

RUBIN G. COHN

Professor of law, University of Illinois College of law. An expert on the Illinois Constitution, Cohn was counsel to the Judiciary Committee of the Sixth Illinois Constitutional Convention and is co-author with George D. Braden of the book, *The Illinois Constitution: An Annotated and Comparative Analysis.*

Governor vetoes the line items

On July 26, the Governor vetoed the earmarked line-item appropriations and charged in his veto message that the "sole and exclusive" clause (1) "contravenes the intent and letter of the Constitution and constitutes a departure from time-honored practices in the State" regarding the appropriate role of the Attorney General; (2) violates the constitutional provision in Article IV, Section 8 (d) that "Appropriation bills shall be limited to the subject of appropriations;" and (3) violates the State Finance Act by shifting the responsibility for the expenditure of public funds vested in the Department of Finance to the Attorney General.

The Attorney General has stoutly maintained that the controversial amendment is nothing more than a constitutionally mandated responsibility of his office, clearly and authoritatively determined by the Illinois Supreme Court in a series of cases establishing him as "the sole and official advisor of the executive officers and of all boards, commissions and departments of State Government," whose duty it is "to conduct the law business of the State, both in and out of the courts" (relying on *Stein v. Howlett*, 52 Ill. 2d 570 at 585-586, 1972, and *Fergus v. Russell*, 270 Ill. 304, 1915, the first definitive case expressing the principles noted).

The action of the General Assembly regarding the Governor's vetoes cannot finally resolve this controversy. The Attorney General has threatened court action and the Governor has said he would welcome it, but such litigation will be prolonged and perhaps inconclusive. All this suggests that an administrative accommodation would be desirable and possible if the nature of the conflict can be clearly assessed by both parties.

Positions polarized, imprecise

Analysis of the respective positions reflects their polarization and imprecision. The Governor or his spokesmen charge that Scott asserts a constitutional right to hire every attorney for State government, including lawyers who perform no legal services of any kind. In addition, the Governor charges in his item veto message that the logical extension of Scott's position "would be a take-over of all attorneys now working for the General Assembly — the parliamentarians, legislative staff members, members of the Legislative Reference Bureau, lawyers hired to conduct investigations or draft legislation." In response Scott, in a news release dated August 8, 1974, asserted:

> "I have not and do not claim the right to 'control every lawyer working for State government.' At no time have I claimed the right to hire administrative aides or executive assistants whose primary obligation is in the field of administration and policy making and who also happen to be lawyers."

In the same statement of refutation, Scott added:

> "I have in fact opposed legislation which would have deeply involved my office in the general legislative process; that opposition stemmed from my firm belief in separation of powers of the three

An analysis of the issue concludes that administrative accommodation may best serve the public interest

branches of government."
And finally Scott reiterated his basic position as follows:

"I do claim the right to conduct *the law business of the State of Illinois 'both in and out of court'* (*Fergus v. Russell*, 270 Ill. 304). I do assert the responsibility of the office of Attorney General *to perform all basic legal services of the State* in the same way that a private lawyer performs those services for a private client. The Attorney General has the power, the duty and responsibility to draft legal documents, render legal opinions, appear as an advocate before administrative tribunals, as well as in court, and to otherwise perform *those services that have historically been those of the Attorney General.*" (Emphasis supplied)

Overlooks inescapable question

Scott's disclaimer of the right to hire administrative aides or executive assistants whose primary obligation is in the field of administration and policy making — and who also happen to be lawyers — ignores the frequently inescapable conjunction of legal services with the function of administration and policy making. Many administrative agencies adopt rules and regulations which have the force and effect of law. This is clearly a "basic legal service of the State" which is frequently performed by "house counsel" who are not employed or directed by the Attorney General. It is not clear where these employees would fit in Scott's description of his constitutional duty to provide "basic legal services" or to "draft legal documents" or "render legal opinions." Such lawyers have been employed by administrative agencies for many years, apparently without objection by the Attorney General.

Scott's reliance upon the Supreme Court's declaration of the Attorney General's right to conduct the law business of the State of Illinois "both in and out of the court" also needs clarification. The meaning of that phrase is not explicit in the Court's opinions. There can be little quarrel with his claim of right to "appear as an advocate before administrative tribunals, as well as in court," but many administrative agencies which exercise quasi-judicial functions employ lawyers who perform investigative functions to determine fact and legal issues of compliance or non-compliance with regulatory laws; make recommendations to the agency heads concerning the filing of complaints which may lead to prosecution before the agency or in the courts; and, perhaps more significantly, serve as hearing officers — administrative judges — whose "decisions" affecting legal rights of individuals or public or private corporations become the basis for final agency action.

Could affect policy making

These functions, particularly the investigative function, are part of the normal administrative routine based upon agency specialization and expertise and agency's administrative and policy making responsibilities. To withdraw these lawyers from agency direction and control and to supplant them with assistant attorney general assigned to the agency could seriously and adversely affect the objectives and policies of a coherent and effective agency administration.

The actual *prosecution* of such cases before agency or court is indeed in most cases conceded to be within the sphere of the Attorney General. But, in the *pre-prosecution* phase of agency action, in the policy-legal determination of the agency to prosecute or not to prosecute, and in the quasi-judicial hearing responsibilities of the agency, there has been, with some exceptions, no known disposition by Attorneys General to contest the employment or direction of such "house counsel" by executive officers and agencies.

The Attorney General relies heavily upon a 1915 case, *Fergus v. Russell*, 270 Ill. 304, and several later cases which in general terms reassert the exclusive constitutional and common-law right of the Attorney Genreal to conduct all the law business of the State "both in and out of court." Other Supreme Court cases which modify and erode that principle are muted as precedent, casually distinguished, or simply ignored.

The Governor relies upon *Board of Education v. Bakalis*, 54 Ill. 2d 448, decided in 1973, and some persuasive 1970 Constitutional Convention debates to sustain his position that the employment of "house counsel" by executive officers to provide legal advice has its own common-law and constitutional historical precedent.

Fergus carries ambiguities

Yet, the *Fergus* case, as the fountainhead of the Attorney General's conviction, carries its own ambiguities which are sometimes recognized, sometimes not, in the legal commentaries. Thus in one article which analyzes the legislative and constitutional development of the Office of the Attorney General and most of the judicial precedent, with particular emphasis upon *Fergus v. Russell*, the author concludes that:

"No matter how novel or evolutionary a problem may be, if it involves the State or any of its offices or departments, *if it requires any work of a lawyer*, is or may be involved in litigation *or can be identified in any way as law*

'. . . neither the judicial precedents nor the constitutional history supports the categorical positions of the Governor or the Attorney General'

business its handling, under the language of the Supreme Court quoted above (*Fergus v. Russell*) is the exclusive prerogative of the Attorney General under his inherent common law powers" (John W. Freels, "Powers of the Attorney General of Illinois," *Chicago Bar Record*, Dec., 1971, 128). (Emphasis supplied)

However, in the same article the author points out that the *Fergus* case left standing an appropriation of $15,000 to cover the expenses of the Insurance Superintendent for prosecutions of violations of the insurance laws. He concludes:

> "The *Fergus* case thus upheld the right of the Insurance Department, the Rivers and Lakes Commission and the State Board of Pharmacy to conduct investigations and to do other preliminary work leading up to prosecutions and pay the expenses thereof" (Freels, 126).

It is difficult, if not impossible, to reconcile these two analyses. One appears to support the right of agencies to allow their house counsel to conduct pre-prosecution legal work, and the other analysis appears to reserve this right solely to the Attorney General.

Relies on Stein v. Howlett

The Attorney General also relies on *Stein v. Howlett*, a 1972 decision, to support his view that only his office can perform legal services of a "house counsel" nature for State officers. In that case, the Court held invalid a provision of the Illinois Governmental Ethics Act that authorized the Secretary of State to give legal opinions to State officers respecting the Act's coverage and meaning and to employ lawyers for that purpose. The decision appeared to take the *Fergus* principle in its widest sweep, though the Court itself recognized that that principle had been criticized and in fact modified in *The People v. Toll Highway Commission*, 3 Ill. 2d 218 (1954). In the latter case a statutory provision authorizing a State administrative agency to employ counsel was held valid because the appointee would be subject to the control and supervision of the Attorney General and serve only at his pleasure.

In *Stein*, the Court determined that the 1970 Constitutional Convention proceedings "seem to indicate a clear intent to preserve the policy of *Fergus v. Russell* . . . ." Curiously, the opinion totally ignores the Convention debates in which the ambiguities and vagueness of the *Fergus* doctrine were conceded by the principal advocate of the constitutional provision dealing with the duties of the Attorney General, and ignores the advocate's assurances that the Executive Committee did not intend "and it never crossed our mind that the other executive officers could not hire attorneys as executive aides or executive assistants or technical advisors — whatever you want to call them — as they do at the present time." It was clear that supporters of the "house counsel" principle were seeking to establish a constitutional record in behalf of their position. It is also clear, however, that the Executive Committee advocate, himself an assistant attorney general, was making only a limited and cautious concession, itself the esence of ambiguity, by insisting that the "Attorney General is the legal officer for the state, and under our article we hope to keep it exactly as it is," and that the proposal is to change nothing of the law of *Fergus*, "but to simply keep them [the powers of the Attorney General] as they are at the present time." None of this history is mentioned in *Stein*.

In fact the judicial erosion of the "sole and exclusive" doctrine of *Fergus* began in *The People v. Barrett*, 382 Ill. 321 (1943), which upheld the right of the University of Illinois to employ its own legal counsel because it is a public corporation which "is no part of the State or State Government" and its Board of Trustees, though elected in a statewide election, were not "state officers" in the constitutional sense of that term which would require the Attorney General be its legal counsel. However one views the logic of that analysis it is evident that *Barrett* weakens the Attorney General's claim to be the sole legal counsel for State agencies or officers.

The Governor's case

The Governor's legal contention is based primarily on the Convention history noted above concerning the employment of attorneys by executive officers as aides and advisers, and on *Board of Education v. Bakalis*, 54 Ill. 2d 448 (1973).

In *Bakalis* the Court sustained a provision of the School Code which authorized the Superintendent of Public Instruction "to be the legal adviser of school officers, and, when requested by any school officer, to give his opinion in writing upon any question arising under the school laws of the State." The Superintendent employed a legal adviser and eight assistant legal advisers (none of them under the direction or control of the Attorney General) who prepared and signed the opinions. The provision was challenged as a clear violation of the Attorney General's constitutional prerogatives as established in *Fergus v. Russell* and *Stein v. Howlett*. The Court held that these two cases did not apply on the ground that "school officers who receive legal advice from the office of the Superintendent of Public Instruction are not executive officers, boards, commissions or departments of State Government,' citing *The People v. Barrett*.

The distinction is extraordinarily difficult to sustain logically. In both *Stein* and *Bakalis* State laws were to be interpreted by "house counsel" employed by State executive officers. In *Stein*, house counsel advised the Secretary of State who then advised State executive officers, whereas in *Bakalis*, house counsel in behalf of the State Superintendent of Public Instruction advised school officials. In each instance, a State executive officer was to give legal opinions affecting substantive private and public rights, powers, and duties arising under State laws, and indeed under the State and federal constitutions.

The hypothesis derived from *Stein* and *Bakalis* can be seen in this example: house counsel employed by the State Department of Local Governmental Affairs, an agency under the Governor,

'It is extremely doubtful that litigation can resolve this conflict . . .'

can constitutionally advise municipal and county officials of the meaning of the local governmental provisions of the State constitution, as well as pending or enacted State legislation related to such constitutional provisions, but such departmental counsel cannot constitutionally advise his own department head — or the Governor or other executive officers or agencies — in respect to the same matters. Perhaps there is a profound logical basis for this distinction; if there is, it has not been convincingly revealed in either the judicial decisions or the constitutional history relating to the creation and designation of the powers of the Office of the Attorney General.

The fact is that neither the judicial precedents nor the constitutional history support the categorical positions of the Governor or the Attorney General.

No explicit Court decision

No Illinois Supreme Court decision has explicitly denied or affirmed the Governor's constitutional authority to employ house counsel in an advisory capacity.

A decision that the Secretary of State cannot employ lawyers to render advisory opinions to State officers under a given law, as precedent, is limited to that factual and legal issue. Decisions which define the Attorney General's powers in all inclusive generalized terms, e.g., *Fergus v. Russell*, make no comment on the Governor's power to employ lawyers to draft legislation or executive orders, or interpret laws or pending legislation and advise him of their legal and constitutional implications. *Bakalis* should set to rest any notions that the *Russell* and *Stein* formulations are sacrosanct and definitive constitutional doctrines which make the Attorney General the "sole advisor of the executive officers" empowered "to conduct the law business of the State, both in and out of the courts." At the same time no legal precedent affirms or denies the right of the Governor to send his own lawyers into court, or to refuse the Attorney General access to the legal files of the State, in disregard of the Attorney General's constitutional and common-law powers.

Litigation is not a simple solution

Despite the challenges and counterchallenges by both parties to take the issue to the Court, it is not likely that the dispute can be so simply resolved. The Courts do not consider abstract or hypothetical issues; they normally require a concrete and definable controversy. The real issues are many and complex. The terms "legal services" or "law business" or "legal advice" comprehend an indeterminate number of variables.

The threshold question is whether extended litigation would serve the public interest. At best, the result would be a piecemeal resolution of the controversy which, in the light of prior experience, will create its own ambiguities. The underlying asumption that a lawsuit, or two or three, will settle the matter for good is fallacious. As a matter of policy it is even more questionable whether every exercise of authority requiring a lawyer's skill should be made the subject of a judicial controversy.

In the State's long history, conflicts between the Attorney General and the Governor respecting the former's constitutional authority have been exceedingly rare, even when as now each is of different political persuasion. No prior conflict has had the dimensions of the present one. Notwithstanding, there is little reason why the present confrontation cannot be resolved by administrative accommodation and agreement within the broad constitutional standards which reflect the legitimate areas of automony applicable to each office. Such has been the history in the past, and the public interest, despite assertions to the contrary now advanced by the Attorney General, has not suffered seriously or even unduly by this approach.

Arrangements for EPA

In the vital environmental protection area, perhaps the principal focal point of the current dispute, after an initial period of sparring between the Environmental Protection Agency and Attorney General Scott concerning the respective roles of house counsel and assistant attorney general, a series of informal and formal arrangements were entered into between Attorney General Scott and the EPA, first with Gov. Richard B. Ogilvie and later with Gov. Walker. If further accommodation is desirable to give the Attorney General a greater role in the functions now performed by house counsel, it should be worked out by mutual consent of the parties.

The conflict in respect to other executive departments and agencies cannot, with perhaps few exceptions, be as complex and controversial as in environmental protection. Resolution by administrative agreement is well within the realm of possibility given the good will and the desire of the contending parties to solve their differences. In fact, other constitutional executive officers, e.g., Secretary of State, Comptroller, State Treasurer, employ house counsel and other lawyers in ways not significantly different than those in the Governor's office and in agencies under his jurisdiction, with no apparent serious objection or concern by Attorneys General, past or present.

It is extremely doubtful that litigation can resolve this conflict between the Governor and the Attorney General. It is more likely that government and the public interest would suffer by long and frequently inconclusive constitutional interpretations by the courts. Administrative accommodation appears to be a better solution. □

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By TAYLOR PENSONEAU

Walker, Ogilvie, and Kerner used different techniques in dealing with legislature

Kerner faced toughest foe, Sen. Arrington. Ogilvie's first year a triumph — until the honeymoon turned sour. Walker abandons aloof stance and courts lawmakers' support

TAYLOR PENSONEAU

The Illinois Political Correspondent of the *St. Louis Post-Dispatch*, has covered Illinois government for nine years. A native of Illinois, he has been a reporter for the *Post-Dispatch* since his graduation from the University of Missouri School of Journalism in 1962.

THE GOVERNORSHIP of Daniel Walker has faced many obstacles, but few as difficult as the General Assembly. Walker's stock with legislators was near rock-bottom when he took office two years ago, but a zealous courtship by the Governor yet may win him a degree of legislative loyalty seldom seen at the pinnacle of Illinois government.

The General Assembly has a crucial impact, sooner or later, on any administration. Yet thus far Walker has done surprisingly well in obtaining national attention despite poor relations with the legislature. This has served, understandably, to whet optimistic speculation by the Walker team over what might be accomplished if it had more friends in the two houses. Therefore, aloofness and other traditional gubernatorial attitudes toward the legislative branch have been tossed out the window by Walker in his effort to overcome the open hostility with which many lawmakers in both parties regarded his anti-establishment campaign for Governor.

Little risk for Walker

Walker's effort over many months reached a peak in the weeks before the November election when he personally appealed through costly television commercials for the election of certain Democratic candidates to the General Assembly. The action required little risk on Walker's part. Like everyone else he knew that the State electorate was expected to turn over control of both houses to Democrats, a luxury that no Democratic chief executive had enjoyed since the party won both chambers when Democrat Henry Horner was Governor in the late 1930's.

Walker's predecessor, Republican Richard B. Ogilvie, entered office with the G.O.P. in command in each house. This was a key factor in Ogilvie's spectacular success in obtaining almost everything he wanted from the legislature during the first months of his term in 1969. The General Assembly was not again to give Ogilvie near as much. His honeymoon with the two chambers had turned sour by his second year in office. Nevertheless, historians surely will note that for a time an Illinois Governor showed that he could work with the legislative branch to propel government in radical new directions.

Look back at Democratic predecessors

To better comprehend the legislative dealings of Ogilvie and Walker, one ought to look back to the days of Ogilvie's Democratic predecessors. Otto Kerner, unlike Walker, was not a target of open disrespect for legislators in his own party. However, Kerner, the Democrat who occupied the Governor's chair for more than seven years in the 1960's, endured frustrating encounters with legislators that still defy easy analysis. Although he won legislative approval for a number of his programs, including an upgrading of the State's mental health system, Kerner — whose political demeanor was always cool and detached — seldom battled publicly for his proposals.

Like many Governors, Kerner admittedly had little knowledge of legislative workings when he took office in 1961. His aides insisted, though, that he became much more adept at maneuvering with lawmakers in his record second term than first. Still, his troubles with Republican legislative leaders, his most consistent critics, never ceased. He rarely answered in public their charges, which time and again sought to portray him as a Governor lacking in the fundamental knowledge of revenue and other sub-

'In the jungle of Illinois politics the start of 1969 was most unusual. On hand were a new, aggressive Republican Governor and a Republican majority in each chamber'

jects basic to the mechanics of government.

Kerner's disdain for political squabbling in public privately rankled some members of his own party, who interpreted this aloofness as a lack of aggressive leadership. Yet, Kerner's foremost antagonist was W. Russell Arrington, the fiery senator from Evanston who forged the G.O.P. Senate majority in the last half of the 1960's into one of the most formidable legislative blocs in modern times. Recalling the opposition to Kerner's programs spearheaded by Arrington, one Kerner confidant remarked that "Russ Arrington, undoubtedly, was the strongest legislative opponent any Governor faced in recent decades." This individual believes that the Kerner-Arrington clashes clearly illustrate an almost continuous antipathy between the executive and legislative branches, an antipathy which has overshadowed all else in Illinois government. "The never-ending confrontation between the Governor and the legislature — it just never stops," this person said. "We don't have anything like a loyal opposition in the legislature. It's not even this bad in Washington." Kerner had to contend with a radically changing General Assembly. Increased staffing and other operational reforms undoubtedly made the legislature a more powerful branch during his tenure.

75th laid groundwork for annual sessions

The 75th General Assembly that convened in 1967 was the first to meet of its own volition at times other than the normal six-month session each biennium. In so doing, this legislature laid groundwork for the present-day annual sessions. Besides turning the General Assembly into a body with potential for greater participation in the day-to-day operations of government, the Republican leadership sponsored wide-ranging proposals in 1967 which constituted an alternate legislative program to that offered by Kerner. All of this made it hard to see which branch had an upper hand in running Illinois. The matter was not decided until the G.O.P. leaders willingly submitted their troops to the will of incoming Governor Ogilvie.

Between Ogilvie and Kerner, Democrat Samuel H. Shapiro was the State's chief executive for nearly eight months. His relationship with the General Assembly might have been of special interest to analysts had his term been longer, because Shapiro had served several terms in the House before entering the executive branch.

Republicans at Ogilvie's disposal

In the jungle of Illinois politics the start of 1969 was most unusual. On hand were a new, aggressive Republican Governor and a Republican majority in each chamber. The Republicans were virtually at Ogilvie's disposal, and the Governor's legislative liaison staff was made up largely of former G.O.P. legislative staff members. Almost every Ogilvie request — the massive tax and spending programs and more — was granted. While Illinois business leaders and other G.O.P. stalwarts watched in disbelief, the Governor and the Republican legislative leaders maneuvered to obtain passage of a bloc of programs so new and costly that Ogilvie's Democratic predecessors looked like pikers.

But even before the session was completed, it was evident that the unusual harmony was near an end. Many Republicans rebelled at the arm twisting that accompanied Ogilvie's successful call for passage of the State income tax, voted against it, and split with the Governor and his supporters permanently over the issue. The extent of the G.O.P. split did not become fully evident until a year later, when many Republicans did not even go through the pretense of serious consideration before opposing Ogilvie's request for an increase in the State motor fuel tax to finance State aid to local mass transit systems.

After the session a number of the Republicans, mainly downstaters, made it clear that Ogilvie's aid in their upcoming re-election campaigns was not welcome. The reason was more than disgust over the Governor's request for a gas levy hike in an election year, a request which came only a year after the State income tax. Ogilvie had already alienated many legislators that year (1970) by seeking the defeat of some G.O.P. legislators in the primary election.

Walker had less to lose

Four years later in the State primary Gov. Walker conducted a similar "purge" of certain Democratic incumbents. However, Walker's standing with the legislature at the time left him with considerably less to lose.

William S. Hanley, a Springfield attorney who was an Ogilvie assistant on legislative matters, recalled that "approval of the income tax, without question, caused ruptured relations between the Governor and some of our senators that never completely healed." Looking back at the 1970 primary, Hanley described Ogilvie's involvement as "intended to help those who had stayed with us in the legislature. But we also wanted to get rid of those considered independent or disloyal. True enough, the worst time we had came in the sessions that year."

Ogilvie's relationship with the legislature became more complicated with the Democrats' unexpected cap-

'cannot remember . . . Ogilvie or Kerner going into caucuses of their party's legislators, as Walker has, to appeal directly for support of gubernatorial proposals'

ture of the Senate in the 1970 general election. The 1972 election left both chambers again in the hands of the G.O.P. but the voters retired Ogilvie in favor of Walker.

Now, two years later, David J. Caravello, a Walker aide, notes that Walker, a former Chicago business executive, "came into office without being part of the political club, which included legislative leaders." In the words of Caravello, a one-time seminarian who handles Walker's liaison with the House, "The Governor just had no legislative relations, one way or the other. Some legislators were outright hostile. There were few we could ask to do anything."

The major session in 1973, Walker's first, justifies Caravello's assessment. Walker submitted few proposals to the legislators, and made only sporadic attempts to inject himself into their deliberations. More often than not, he was rebuffed. The resulting leadership vacuum provided an opportunity for the leaders and also rank-and-file lawmakers to seize initiative on government policy, a chance which some eagerly grabbed. But, not surprisingly, this resulted in a particularly disjointed opening session for the 78th General Assembly. No faction in either of the virtually evenly divided houses was able to clearly assert its will.

Legislative committee retaliated

The Governor's serious legislative problems can be traced to the session's third month when the General Assembly took the unusual step of overriding Walker's amendatory veto of a bill that gave emergency aid to mass transit operations. About the same time, the Senate Executive Committee, dominated by conservative Republicans, began an almost systematic rejection of a number of Walker appointments to key posts. Not just Republicans, but many persons in both parties looked forward to the panel's hearings with relish. Walker won office by flouting the political establishment, and the establishment through the legislature, and particularly this committee, retaliated by turning down several of Walker's nominees.

Hostility has not slackened

G.O.P. legislators' hostility to Walker has not slackened. But events since that initial session have shown that Walker and Democratic legislators, especially from downstate, have begun to accommodate each other. Walker supporters point out, for instance, that threatened overrides of Walker's reductions of budgetary measures never materialized in the fall of 1973. Furthermore, Walker did not seem to be appreciably worse off for all the hubbub in the principal session of 1974. "After the smoke screen lifted," contended Caravello, "people could see that, in spite of all the noise, we did not suffer serious wounds."

Walker has suffered embarrassments though, most noticeably as a result of the G.O.P. drive to eliminate Walker's special investigative team and other pet operations of the Governor's office. However, the final record of Walker's administration will show his successful call for approval of a major coal development program and his push for passage of Illinois' first campaign finance disclosure law. The reasons for Walker's progress with the General Assembly are also linked to the unorthodox manner in which he attacks political obstacles. It cannot be put as simply as Caravello's explanation that "the legislators just have taken more time than usual in realizing that he (Walker) is Governor, and what that means."

'Never saw a more personal pitch'

Out of the sight of the public, Walker has courted Democratic legislators in such a personal way that he has reduced the distance that most of his predecessors maintained between the two branches. Observers cannot remember, for example, Ogilvie or Kerner going into caucuses of their party's legislators, as Walker has, to appeal directly for support of gubernatorial proposals. After one of Walker's first such excursions, a Democratic legislator was heard to say that "the guy showed us he intends to be the leader, with or without the heckling he got. I ever saw a more personal pitch."

Walker's wooing of Democratic legislators took an even more intense, uncamouflaged turn in the period before the election. When Victor de Grazia, the deputy to the Governor, took a leave of absence in the weeks prior to the election, no attempt was made to hide de Grazia's intended involvement in key legislative contests.

Later, reporters were invited to a Springfield country club to observe as Walker's Illinois Democratic Fund (IDF) raiser netted a reported $100,000 in contributions from those individuals who accepted an IDF invitation to donate $1,000 and spend a day with sports and television personalities. Most of the money, gubernatorial aides noted, was to be spent on Walker's television blitz for the legislative candidates.

These developments undoubtedly added a new dimension to legislative-gubernatorial relations, something that may not be evident until the new 79th General Assembly gets into full swing in 1975.

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By JESSICA C. WEBER

State House reporters: Their unofficial role in the governmental process

A look at the development of the news corps, the reporters' perception of their role in state government and how they view the legislators

JESSICA C. WEBER

A public information officer for the state education office, she is a free-lance writer, and a sometime graduate student. She was a reporter for the now-merged *Illinois State Journal* in Springfield for five years.

MEMBERS of the State House news corps describe the role of the state government reporter in various ways:

"[You're] sort of like the judge when you're writing. It's up to you to decide which facts you want to put in and to try to approach the truth" (H.F. Wollenberg, Associated Press).

"Do I feel it's my role to be influential? No, I don't, but a lot of times I'm sure that's what happens, intentionally or not, and you can't really help it" (Randy Thomas, *State Journal-Register*).

"[The reporter is a] substitute for the milkman and the steel worker and the postman who can't be here . . . and I think it's more than just to inform them, I think it's to protect them" (Tom Laue, United Press International).

"To help the reader better understand what's going on—that's the whole purpose of us being here" (Charles N. Wheeler III, *The Sun-Times*).

The reporter holds a position described in no part of the Illinois Constitution or Illinois Revised Statutes, and is neither elected nor appointed by any official. Nonetheless, he (very rarely she) occupies state-provided, rent-free office space, in many cases has a broader and deeper knowledge of state government than many of his sources, and in general enjoys a more ready access to officials than his fellow citizens.

Nomadic band; more personal

Twenty years ago, the news corps was a small, nomadic band. There was no press room; there was barely a place for a reporter to hang his hat. State government was smaller in those days, and life at the State House was less structured. Reporter-official relationships were perhaps a little more personal and a little easier.

Robert P. Howard, a veteran reporter who has worked for the Associated Press and the Chicago *Tribune*, remembers how it was when he first arrived at the State House in 1933: "Here and there, there'd be a table with some typewriters. A man would just go off to a little niche there in the rotunda or the second floor behind some hallway or something of that kind — and you'd just stop, find an empty typewriter and do you writing there. No such thing as *your* typewriter. What papers you had, you had to carry around with you. You were always on the go, there was no place to relax." The *Tribune*, he recalled, would rent a room in the old Leland Hotel, a few blocks from the State House, for its correspondents' use during the legislative session.

More reporters; better accommodations

Now the news corps normally numbers about 30 reporters on any given day when the legislature is not in session; but it swells to several times that number during sessions. Accommodations have improved somewhat; the corps now occupies a large, crowded area in the west wing of the third floor of the State House. The press room is behind heavy, ornate doors with faded lettering warning, "For Members Only." The door once led to a private lounge for legislators. The room is approached through an alley of vending machines. Now, the huge, magnificently proportioned room is subdivided into many small cubicles. The dividing partitions reach only partway to the ceiling, and over them one can glimpse the tops of 20-foot high windows embellished with intricate decorations. The cubicles are filled to overflowing with a motley assortment of leftover furniture: scarred wooden desks, battered steel file cabinets, dilapidated office chairs, here and there a decrepit armchair. And, of course, dozens of typewriters and telephones, the tools of the reporter's trade. The

overall effect is one of decaying opulence. The rich blue velvet curtains seen behind the governor on televised news conferences are grimy and worn around the edges.

The news corps will be moving into new quarters soon on the mezzanine between the second and third floors of the State House. The entire mezzanine, now mostly meeting rooms, will be given over to the news corps. A $300,000 appropriation was passed last year for the necessary remodeling, and the newsmen are scheduled to move in by July.

During a busy period, when news is breaking and deadlines are approaching, the typewriters clatter, the telephones ring continuously and reporters yell to each other across the room. Deadlines tyrannize all reporters: radio and television newscasts are set for certain hours, and newspapers must go to press at certain times. News events, more often than not, do not follow the same timetable.

The result is that the reporter must drop everything as a deadline approaches, often leaving in the midst of a fierce legislative floor fight or important committee meeting to write his story. This is far more than a minor annoyance to the reporter; it is a very serious problem in the news business. The deadline often forces a reporter to write an incomplete story, or one which is outdated by the time the paper reaches its readers. The deadline problem for broadcast reporters is not quite so severe because breaking news can be phoned in right up to air time.

Time and temptation

An even more serious consequence of deadline pressure is that a reporter may be tempted to turn in a story he isn't certain is accurate because there is no time to double-check the facts. Faced with a choice between turning in a story he is almost sure is accurate and turning in no story at all, many reporters succumb to the temptation and take a chance.

The outsider who ventures into the press room around deadline time is bound to be ignored and likely to be actively snubbed in the prevailing tension and excitement.

Feast or famine

But at other times — and feast or famine is the general rule in the news business — the room is so quiet one might think all the reporters were on vacation. That probably is not the case. More likely, most of them are in a little back room, playing card games and conducting post-mortems on recent events. When working hours end, a good portion of the corps may adjourn to a nearby bar.

The news corps is very loosely bound by an organization called the Illinois Legislative Correspondents Association (ILCA), which elects officers but does not hold regular meetings. Member news organizations pay a small dues to the ILCA, and their correspondents automatically are members. With few exceptions, however, the reporters are much more closely bound by an unspoken *esprit de corps* than by membership in any professional organization.

There is one thing that has not changed since Bob Howard's early days on the beat: the corps still is remarkably homogeneous in sex and race. If its members had been appointed by an official, the outraged cries from feminists and minority group members would shake the press room walls. The racial and sexual integration of the news media, only recently begun, has had, so far, little impact on the State House news corps. The only full-time woman legislative reporter is Susan Sachs of the Springfield *State Journal-Register*. Two women feature writers work part time in the press room for Copley News Service, Joan Muraro and Mary Lou Manning, and the Chicago media and wire services sometimes send female reinforcements during busy periods. One black reporter, Simeon Osby of the *Chicago Defender*, works part time at the State House.

The growth of the press corps has paralleled, and is partly a result of, the growth in size and complexity of state government. Since the days when Bob Howard was part of a news corps consisting of "Three wire services, two Springfield papers off and on, four or five Chicago papers for the session, and Sam Tucker from Decatur," the news corps has tripled at least. Each of the major media now send several reporters to the State House, and in the 1950's, the broadcast media further swelled the size of the news corps.

More people; more hostility

The very size of the corps has changed the newsman's relationship to the government, according to William O'Connell, Jr., of the Peoria *Journal Star*. There is "increased hostility, there are so many more press people. In the last few years, young guys coming in to cover state government come in fresh; they think things are their right that are more privilege than right." As president of the ILCA, O'Connell or his delegate works with legislators, negotiating matters ranging from press room space to ground rules for covering sessions. "Negotiating" is the operative word in the ILCA, he said. "The more formal the organization gets, the more they should change the title [from president] to chaplain."

The relationship of the reporter to the reported-upon may be more formal than in years past, but it still is a peculiar one, largely undefined and constantly shifting. Not surprisingly, no

Illinois Legislative Correspondents Association

(Resident members)
Alton Evening-Telegraph/William Lambrecht
Associated Press/Bill Wertz, H.F. (Skip) Wollenberg, Barry Hanson, John Filo
Bloomington Pantagraph/Mark Spencer
Capital Information Bureau (Radio)/Ben Kiningham, III, Thom M. Serafin, Don Schaefer
Chicago Daily Defender/Simeon B. Osby
Chicago Daily News/John Camper
Chicago Sun-Times/Burnell Heinecke, Charles N. Wheeler, III
Chicago Tribune/John Elmer, Ed McManus
Copley News Service/Ray Serati, Joan Murraro, Mary Lou Manning
Davenport Times-Democrat/Mike Lawrence
Gannett News Service/Roger Hedges
Illinois News Network (Radio)/Al Wood, Ray Phipps
Illinois State Journal-Register/Kenneth Watson, Robert Estill, Al Manning, Randy Thomas, Susan Sachs
St. Louis Globe-Democrat/Tom Amberg
St. Louis Post-Dispatch/Taylor Pensoneau
United Press International/Robert Kieckhefer, Tom Laue, Jeffery L. Sheler, Les Sintay
WAND-TV (ABC)/Dick Westbrook
WCIA-TV (CBS)/Tony Abel
WCVS-Radio (ABC)/Jim Gray
WICS-TV (NBC)/Roger Wolfe
WSSR-Radio/Rich Bradley

Press Secretary/Shelby J. Vasconcelles
Staff/Les B. Pauly, Tom Massey

two reporters see it in exactly the same way. Any attempt to define this relationship is complicated by the fact that both the news corps and state government are composed of many individuals who react to each other in individual, and often inconsistent, ways. The same reporter may find himself courted, feared, avoided, reviled, and denounced from the floor of the state Senate, by the same legislator, all within a few days.

"It's sort of a game. On the one hand, a lot of them hate reporters, and most of them don't think they get a fair shake. But on the other hand, they couldn't get along without (reporters) because if we weren't there, no one would ever know what these guys do. They would prefer it if the press would not criticize them," said Randy Thomas.

Wollenberg put it this way: "We know what they're doing. We know they're working to cut up the pie so that they can get the largest piece possible for themselves, and they know what we're doing, and I don't think it's something to sit at home and worry about. Toward the end of the session, you begin to feel hostile."

Cynicism and respect

Most reporters are suspicious of the officials they cover, but for some the shock of seeing how government really operates produces outright cynicism. Young reporters seem particularly prone to be cynical about state government, perhaps because they have been schooled in Watergate politics.

Susan Sachs, in an interview after her first legislative session, said, "My general impression is that I would never work for state government . . . I couldn't see — now — working for any candidate. I used to think, maybe I'll take a year off some time and work for a candidate, but I couldn't believe in any of them now, after what I've seen."

Laue, a veteran of five years in the State House, still retains a sense of outrage: "I think it's clear what officials here in Illinois — they have demonstrated time and again — think of the public. If they don't consciously go to bed thinking, 'Well, how can I screw John Q. Taxpayer,' they certainly don't go to bed thinking, 'Will this illegal act screw John Q. Taxpayer?' " But all eight reporters interviewed, while suspicious of the legislature and government as a whole, said they had a great deal of respect for many individuals within government.

The same reporter may find himself courted, feared, avoided, reviled, and denounced from the floor of the state Senate, by the same legislator, all within a few days

One change in recent years in the reporter-official relationship is the decline of the "freebie" and the Christmas gift. The State House reporter once enjoyed a wide variety of entertainments and treats at the expense of officials and lobbyists, including a free lunch on most days. At Christmas, he received enough liquor to stock his home bar for the coming year. Now, the freebies have dwindled in number and quality, and most reporters netted at most one bottle last Christmas. Most attribute the decline to the new consciousness of ethics among reporters and officials alike, but some feel it may just be the result of inflation and the huge size of the press corps. Without exception, the reporters interviewed thought the passing of the Christmas present was a healthy development, but in the case of lesser treats, many agreed with Howard: "If you aren't big enough to accept a little hospitality, there's something wrong there."

Reporting and public relations

Despite the chary, sometimes bitter, relations between the press and officials, the cream of the news corps is constantly recruited for government public relations work. Nearly all top state government public relations persons once served in the news corps. To name only a few: Gov. Dan Walker's top press aide Norton Kay is a former *Chicago Today* correspondent. Richard Adorjan, public affairs chief for the Department of Transportation, was recruited from United Press International. Jerry Owens and Gene Callahan, both formerly of the *Illinois State Register*, now work for Senate President Cecil A. Partee and State Treasurer Alan J. Dixon, respectively.

One reason experienced reporters are offered public relations posts is because

of their formidable knowledge of the springs and levers of government as well as the needs of the news media. It is assumed that the appointee's fellow-reporters will remain his friends, and so will be disposed to be friendly toward the official in question. These friends become known as "contacts."

Idealism or better salary

Many factors motivate reporters to leave the news business for public relations. Scratch a cynical reporter and you may find a political idealist. Like many of us, reporters can become fired up with enthusiasm for some official, and some see new fields to be conquered. It should also be noted that salaries for top state public information positions start about where reporters' salaries (except for the Chicago dailies) leave off. Except for a few reporters, salaries are low.

However cynical or idealistic reporters may be, "objectivity" is still the professional totem revered by the majority. "Objectivity is the magic word — it's a goal we all strive for," O'Connell explained. According to Tom Laue, "The truth is all you ever need, and I think that as outmoded as objectivity in a vacuum is, it's still the only admirable goal. I think there's a form [of advocacy reporting] that can be pursued, if you have the love, the necessary love, for facts."

The "New Journalism," a movement which espouses a subjective approach to reporting the news, has few disciples among the State House news corps. Facts, and the diligence employed in obtaining them, are still the measure of professional regard for Springfield-based reporters. Opinions differ, however, on just how diligent the news corps is in its pursuit of facts.

Bill Miller, a former State House reporter for the Capitol Information Bureau radio news service, who now heads the Sangamon State University Public Affairs Reporting Program, thinks the quality of reporting has improved since he began at the State House in the early 1950's. "I think, progressively, the reporters over there are getting better at pointing out to the reader things that are just not on the up and up . . . . I think professionalism has really gone forward over the years, until, I am told, the Illinois press corps, if not the best, is as respected as any in the nation."

O'Connell disagrees. "I think professionalism is going down. We're getting a lot of lazy people who would rather play rummy." But O'Connell noted he does have a high respect for the professional integrity of the corps, if not for its collective energy.

Overall picture; segmented news

Wheeler sees a gap between the reporter's ideal and the reality of day-to-day reporting. "The reporter should observe, analyze, and report actions of the state government so individual citizens reading the stories will be informed of what goes on in state government and how it affects their lives . . . so they will be able to make intelligent choices." But in the day-to-day rush of reporting the news, he said, the overall picture often gets lost and "we cover things in a segmented manner that might confuse the reader."

Reporters on the whole are a philosophical, thoughtful group when they sit down to discuss their craft, but they seldom get a chance to do that. When news is breaking, they are on the run, becoming instant experts in a variety of subjects ranging from no-fault auto insurance to school finance. There is little time to think about philosophy of news. As O'Connell wryly noted, "Reflection comes on Saturday." Unless, of course, the legislature meets that day. □

'The truth is all you ever need, and I think that as outmoded as objectivity in a vacuum is, it's still the only admirable goal'

Reprinted from Illinois Issues, July 1975

Students in politics

DURING the last half of the 60's and into the early 70's, college students across the nation as well as in Illinois often attempted to influence national and state policy by violent means. There were demonstrations and riots, and some campuses were forced to close under pressure from student activists. Today's campuses are relatively quiet, but students are still trying to influence policy. Unlike past attempts, however, students are working within the system. They are also getting results.

For example, Illinois students successfully lobbied in the 1973 legislative session to obtain passage of a bill to place one nonvoting student member on the governing board of each public institution of higher education in the state. This was House Bill 1628 (Public Act 78-822), sponsored jointly by Rep. Goudyloch Dyer (R., Hinsdale) and the former speaker, Rep. W. Robert Blair (R., Park Forest). Former Sen. Jack T. Knuepfer (R., Elmhurst) handled the bill in the Senate. Student efforts to block a proposed six per cent tuition increase at senior institutions last year were also successful. The key to these successes lies in the fact that students in Illinois have organized themselves into an effective lobbying group that has earned the respect of state boards, committees, commissions, and even the General Assembly.

This student organization is called the Association of Illinois Student Governments (AISG). It was formed in December 1971 by student government leaders from the following state universities: Eastern in Charleston, Western in Macomb, Sangamon State in Springfield, Illinois State in Normal, Southern Illinois at Carbondale, and Southern Illinois at Edwardsville. While student lobbies have recently appeared in many states, AISG along with the student organizations in California and New York are currently considered to be the best organized.

AISG's efforts have earned praise and respect in Springfield. "They are viewed as a bona fide interest group," says Steve Teichner, an assistant to Gov. Dan Walker. Michael Smith, the assistant director of governmental affairs of the Illinois Board of Higher Education (IBHE), says that "in principle we'd be in favor of AISG." He adds, "Students have every right to express opinions."

The origins of AISG

AISG maintains a permanent office in Springfield with a full-time staff of three, plus several student interns who receive academic credit for a semester's work with the association. The formation of AISG was largely the work of Lonnie Johns, a student at SIU-Carbondale. After selling the SIU student body president on the idea, Johns communicated with various schools during the fall of 1971 in an attempt to lay the groundwork for the association's initial meeting in December of the same year. Johns was named the first executive director at that meeting, and a governing board was set up to determine AISG policy. Johns' Springfield hotel room was the association's first headquarters.

Current Executive Director Douglas Whitley notes that the need for a student organization had been growing for some time. Early in 1971 the Student Advisory Committee (SAC) to the IBHE issued a report condemning the IBHE for the way it handled students. Whitley says that the critical report elicited no action from the IBHE.

In the meantime, Johns began attending meetings of various boards and committees connected with higher education. AISG made its first real impact in the Office of Superintendent of Public Instruction (OSPI) where Johns served on a task force. By the winter of 1973 the association had moved into its permanent headquarters, hired another full-time staff member, picked up several student interns, and received a grant from the lieutenant governor's office to do a study of statewide student problems. AISG also hired Jim Gitz, a former McGovern campaign worker, to serve as executive director. The association also formed its advisory board with former lieutenant governor and now U.S. Representative Paul Simon as the first member.

It was also in early 1973 that the bill creating positions for students on governing boards was introduced. Whitley noted that the idea of student representation on governing boards was not new. SAC, he explained, had long worked for full student membership on the IBHE. Then Superintendent of Public Instruction Michael J. Bakalis also supported the idea, and did much of the work formulating the bill.

When first introduced, Whitley said the bill's chances for passage looked bad until the help of Lt. Gov. Neil Hartigan was sought by the association. Hartigan agreed to help and actively worked to secure the bill's passage. Whitley added that AISG carefully chose sponsors of the bill in both the House and Senate.

"The chief opponents were the Board of Trustees of the University of Illinois and the junior colleges," Whitley said. To counter the opposition, Whitley said, many students came at their own expense to Springfield to either testify in favor of the bill or speak with the representatives about it. Many other students wrote letters of support to their legislators, Whitley added. These efforts paid off when the bill passed easily in both chambers. There were only six negative votes and one "present" vote in the House and one negative vote in the Senate.

By CRAIG SANDERS

The Association of Illinois Student Governments has lobbied against tuition increases and for student representation on governing boards

But not long after Gov. Walker signed the bill, AISG began having problems with the bill's implementation because it contained vague language, according to Whitley. "An anti-student or conservative board could delay implementation by raising questions about how far student rights on the board extend," Whitley said. AISG sent out information packets to schools around the state, and Attorney General William J. Scott issued an opinion (S-733, April 17, 1974) that supported the student position. Scott's opinion affirmed the right of student board members to attend executive meetings and the right to make and second motions.

Membership, activities

One of AISG's next concerns was recruiting new member schools. "In July 1973 we had only two more members than the original seven. Thus we had not grown much," Whitley said. The recruitment effort was successful. Today AISG has 16 governing board members and 12 subscriber members. Subscriber members can participate in discussions of the governing board but cannot make motions or vote on them. Governing board institutions contribute 30 cents per full-time equivalent student enrollment in dues, while subscriber institutions contribute only 10 cents.

In December 1973 a subcommittee of the IBHE issued a report calling for universities to increase their income fund by six per cent, and recommended corresponding tuition increases. AISG felt the IBHE's decision was arbitrary and hasty. Whitley said no opinions were solicited from the universities' governing boards and the public before the recommendation was made. At that time, AISG launched a campaign to stop the increases. Whitley said the association sought and obtained passage in January of a Senate resolution opposing the tuition hikes. Among those announcing opposition were such key legislators as Speaker Blair, Senate President William Harris, the chairmen of the House and Senate Education Committees, and Lt. Gov. Hartigan.

AISG launched a petition drive among students that within 10 days netted 25,000 signatures opposing the proposed hikes. It also solicited and received help from many other organizations such as the AFL-CIO, NAACP, Illinois Farmers Union, and the American Association of University Professors. On January 30, 1974, AISG officials met with Gov. Walker for 45 minutes in Chicago to outline their opposition. Walker later announced his opposition to tuition hikes in his March 1974 budget message, an action which finally killed the tuition increase proposal.

Although AISG officials take pride in claiming to have stopped the tuition hikes, IBHE's Michael Smith doesn't see the association as the sole force behind the defeat. "I think there is probably some element of doubt about whether AISG was responsible for stopping the tuition increases," he said. Smith said his personal opinion is that the governor and the General Assembly were opposed to the increases, and the legislature would have killed the increases anyway. "It is probably going a little bit too far to say they [AISG] killed it," Smith added.

Ongoing voter registration

Last fall AISG conducted a statewide voter registration drive that resulted in the registration of 22,000 new student voters, Whitley said. Posters and some 16,000 "vote" buttons were distributed during the campaign. Whitley added that AISG considers voter registration as an ongoing project, and that AISG has always been involved in the electoral process. But, Whitley stressed that AISG itself does not endorse individual candidates or political parties, nor does it say where a student should register to vote—at home or on campus.

Whitley attributes much of the success of AISG to just being in the capital city and knowing what is going on. More importantly, the staff restricts its activities to issues that affect students directly. "AISG does not get involved in philosophical or international issues," Whitley said. "In this way we gain the respect of the higher education establishment as an equal." Walker's aide Teichner reflects this feeling. "They are equal," he said, "they are treated as equals among other interest groups." IBHE's Smith also notes that across the board IBHE and AISG agree on most issues. The two just happened to disagree on tuition increases.

Concerning AISG's conduct on the political scene, Teichner said AISG has conducted itself in a professional manner. "They provided valuable input on that particular issue [tuition increases] and on other issues," he said.

Perhaps the place for students as lobbyists is best summed up by Lt. Gov. Hartigan. "Nearly three-quarters of a *billion* dollars is being spent on higher education," he says. "It makes perfect sense for students to have something to say about how these dollars are spent and the quality of the programs that are funded, for these decisions affect not only their present lives but their future careers as well."□

CRAIG SANDERS
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By ROBERT W. KUSTRA

BOB, state agencies struggle over program vs. line item budgets

Created in 1969, the Bureau of the Budget has put the direct responsibility of budgeting into the governor's office

Constitution of 1970

Article VIII. Finance
Section 2. State finance

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriations at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

ROBERT W. KUSTRA

Assistant professor of administration at Sangamon State University, he has an M.A. in political science from Southern Illinois University and is a Ph.D. candidate in political science at the University of Illinois. Before teaching, Kustra worked on the speaker's staff of the Illinois House.

TWO YEARS before the Bureau of the Budget was created in Illinois in 1969, an observer of Illinois state government asked the question, "What does a governor have to do with the process by which his state's expenditures are determined?" Based on his observation of the Illinois' budgetary process and that of other states, he answered, "very little." In spite of the adoption early in this century of the executive budget which gives the governor the responsibility to review agency spending proposals and prepare a comprehensive spending program, governors in Illinois have been handicapped in their role as "chief budgeter." They have been confronted with a complicated maze of funds, independently elected officials who share authority over state government with the governor, legislators committed to existing programs, and state agency bureaucrats not prone to taking directions from governors. Instead of focusing on the expenditure of funds, the development of programs, and the overall management of state government, the governor was forced to play the limited role of revenue raiser, plotting from one year to the next how to keep the state out of the red.

Kerner realized limitations

Former Gov. Otto Kerner (1961-1969) recognized the limitations of his gubernatorial role in Illinois and twice proposed to no avail a bureau of the budget to assist in the preparation and execution of the budget. At that time, the responsibility for preparing the budget fell to the assistant director of finance and budget superintendent, T. R. Leth. Leth and his six-man staff had been putting Illinois' budgets together for more than 20 years. Four governors — two Republicans and two Democrats — depended on Leth for the budget function and the governor's role in the process was limited.

After Gov. Richard B. Ogilvie (1969-1973) assumed office, he, like his predecessor, proposed a bureau of the budget to give the governor better budgetary information and control. As proposed by Ogilvie, the Bureau of the Budget (BOB) would coordinate overall preparation of the budget, make revenue projections, develop economic forecasts relating to revenues and expenditures, and install a management program to cut costs and increase efficiency and economy. The BOB would assume the budgetary functions of the Department of Finance and other management control functions permitted by state law but never attempted by Finance. This time Republican Gov. Ogilvie found a receptive audience in a Republican-controlled General Assembly and the Bureau of the Budget was established by law in 1969.

Staffing the Bureau

Although the Bureau of the Budget was to be held directly responsible to the governor, it was also intended to be an agency of professionals who could apply the tools of economics, public administration, accounting, law, and social sciences to the management of state government. For this reason BOB personnel have been hired on the basis of merit rather than political party affiliation. During the Republican Ogilvie administration, budget analysts were recruited from graduate schools across the country and there was no requirement of Republican party affiliation. BOB professionals would remain loyal to the governor but not necessarily to the governor's party. During the 1972 election a few BOB staffers sported McGovern/Ogilvie bumper stickers on their cars to reflect their "bipartisan approach" to the election. After the elec-

tion, staffers waited anxiously to see if Democratic Gov. Dan Walker would replace analysts with political appointments. This did not happen and the only turnovers were among agency personnel who pursued opportunities to improve themselves professionally. The most recent example of this nonpartisan (or perhaps bipartisan) approach to hiring was the appointment of the chief of the Republican staff of the House Appropriations Committee, Donald Glickman, to a position with Gov. Walker's Bureau of the Budget.

Since the director is appointed directly by the governor, he is tied personally to the governor, his party, his program, and, most important, his tenure. Gov. Ogilvie's director of the BOB, John McCarter, resigned after Ogilvie lost the 1972 election. Gov. Walker appointed a new director, the former state finance director for Ohio, Harold Hovey. Every governor can be expected to come to the office with his own priorities and his own men in crucial, policy making positions, such as director of the BOB.

BOB, the pacesetter

The Illinois budgetary process is tied to the tradition of line-item budgeting. The emphasis has been on controlling inputs by itemizing expenditures such as personal services, equipment, and travel. However, during the 1960's there was much criticism of governmental programs for being hastily conceived and implemented. Consequently, states began to shift emphasis from analysis of input items to analysis of output or *programs* by describing expected results, measuring whether they were achieved, and examining the impact of services. The creation of the BOB represents Illinois' entry into the era of *program budgeting*. Director McCarter described the mission of the BOB under Gov. Ogilvie as focusing on the state's efforts in terms of what was being accomplished for each dollar spent, rather than describing what was bought for each dollar in terms of salaries, supplies, and capital projects.

The Bureau under Gov. Ogilvie attempted to implement program budgeting by introducing the Planning-Programming-Budgeting System (PPBS) in Illinois. PPBS required identification of each agency's goals and objectives, classifying expenditures in terms of programs, multiyear programs and financial plans, and program analysis involving the systematic analysis of alternatives. However, PPBS was a highly mechanistic process with many deadlines and much paperwork. John Cotton, deputy director of BOB under Gov. Ogilvie, came to his job with the intention of implementing PPBS in Illinois state government. Later, Cotton said that it only created a paper mill for information that was misused and inadequate. According to Cotton, the detailed interagency structure supported by financial and output data, multiyear plan projections, and program memoranda did not pay off in terms of the time involved.

If the key to program budgeting under Ogilvie's BOB was PPBS, the Bureau of the Budget under Walker is emphasizing accountability, Management by Objectives (MBO), "Zero-base budgeting," and program evaluation. The budget for fiscal year 1975 was divided between two books. One was labeled the Accountability Budget and explained state services on a program basis. The other book was the Budget Appendix and detailed agency spending in the traditional line-item fashion. Director Hovey's memo on draft procedures for preparing the fiscal year 1976 budget describes the program budget and MBO formulation as the heart of the budgetary process. The MBO process requires each agency to define its objectives in terms of measurable accomplishments and links these objectives to the budget request. Then the Governor reviews the MBO's and holds the agency responsible for achieving those objectives.

Zero-base budgeting

The Bureau under Walker has also introduced a variant of "zero-base budgeting" for state agencies. A zero-base budget requires the review of *total* expenditures of a program rather than just the changes from its previous appropriation. BOB adopted the rationale behind zero-base by requiring each agency to prepare a base budget at a funding level of 90 per cent of the previous year's appropriation. This forced each agency to identify which 10 per cent of its activity it would eliminate if tight budgetary conditions prevailed.

The agency/BOB relationship is one of deadlines. Agency heads have complained that the deadline for the submission of the program budget for BOB review was unrealistic. BOB responded by creating a committee of four staff members of the Bureau and four agency officials. The committee issued a new set of guidelines which allowed agencies to stagger the submission of their budgets. Since BOB cannot review all budgets at the same time anyway, this flexible approach improved the budget review process from the perspective of both the BOB and the agencies.

Role of the budget examiner

The Bureau's principal contact with the agency is the budget examiner. He works with the agency on the preparation of the budget and reviews the final product with the BOB director. The examiner also plays a role in approving the allotment of funds for agency expenditures during the fiscal year. Other support roles include keeping abreast of developments in an agency's area and assisting with the development of legislation when needed and providing expertise on a variety of management problems which might confront the agency.

The budget examiner plays the role of an adversary in his relations with the agency and, therefore, encounters resistance from the agency. The major issue in this struggle is the idea of the program budget. Agencies are tied to the line-item tradition, and many do not recognize the value of budgeting on a program basis, especially since the legislature still reviews the agency's budget in a line-item fashion.

Many agencies consider budget examiners who have a working knowledge of the agency's mission and its problems to be an extremely valuable resource. At least 15 major state agencies have capitalized on this pool of expertise by hiring BOB examiners for agency positions. From the agencies' point of view these people can deal successfully

'. . . BOB has also forced state agencies to take a serious look at how well they are spending taxpayer dollars'

with the BOB in defending programs since they know most about BOB's operation. On the other hand, BOB is not a loser either. In the Bureau's attempt to implement program budgeting and MBO, it has come to value working with agency people who sympathize with its mission and understand program budgeting.

The executive budget review system in Illinois places the Bureau of the Budget in the executive office of the governor. This allows the governor to directly link the activities of the BOB to those of his executive agencies and the policies of his administration generally. How the governor uses BOB will depend on his style of leadership.

Although the Bureau is only six years old, it is already possible to see contrasting styles between the Ogilvie and Walker administrations. Brad Leonard, deputy director of the BOB, who has served under both Ogilvie and Walker, points out that while both governors were obviously interested in management and budget processes, they have shaped the environment of the budgeting process differently and thus affected the final shape of the state budget. Ogilvie chose to retain certain key agency heads of the former administration whereas Walker replaced all of his directors. Consequently, Walker gets more responsiveness from the agencies, and the agency heads are involved more directly as members of the Walker cabinet. The accountability for agency management in the Walker administration lies with the agency heads and although BOB serves as a resource base for agencies, it doesn't involve itself as directly in agency administration as the Ogilvie BOB did. Ogilvie turned the BOB staff loose in the agencies to effect control over policy making.

Ogilvie and Walker have shaped the Bureau of the Budget into more than a staff agency to assemble budget figures. Under the leadership of Ogilvie and Walker the BOB has become the focal point of administrative direction in Illinois state government. If their styles differ, it is only a question of degree. If Ogilvie relied on the Bureau more as a control agent, Walker has allowed agency management more autonomy while casting the BOB in a catalyst role for program analysis and the MBO process in the agency.

No matter how successfully the BOB implements program budgeting in the agencies, these budgets must eventually come before the General Assembly for approval. Illinois lawmakers, however, do not view the governor's budget on a program basis, but instead approve agency expenditures on the basis of appropriations bills in line-item detail. Thus, the BOB must translate state programs in the governor's Accountability (program) Budget — programs such as transportation, human services, and education — into line items such as personal services, equipment and travel. The end result appears in the second budget book, the Illinois Budget Appendix.

'Could be more information'

Tied to the tradition of line-item budgeting, some staff members of the Appropriations Committees in the General Assembly take a dim view of the governor's Accountability Budget, contending that it is little more than a public relations gimmick. These critics along with some journalists have been analyzing line-item budgets for years and prefer to sink their teeth into the Budget Appendix which gives the breakdown of expenditures. But the appropriations staffs also find fault with the Budget Appendix. They assert that the 1975 budget document had less information than the 1974 document. Specifically, the 1975 budget excluded program narratives which, in the 1974 budget book, explained the reasons for increases or decreases in agency funding. BOB Deputy Director Brad Leonard agrees that there could be more information in the budget and he indicates that BOB plans to improve future budgets.

Since the Bureau of the Budget has been established, the budgetary process in state agencies has changed considerably. Added to the dictionary of Illinois budgeting are such terms as "PPBS," "program budget," "MBO," and "zero-base." Skeptics have questioned the value of the BOB and the utility of the methods which it has introduced. Critics charge that the Bureau has further centralized power in the governor's office in an age when executive power should be shared with the legislature. The introduction of program budgeting, they argue, could not possibly be worth the paperwork, manpower, and valuable time.

BOB: a change agent

There can be no doubt that the creation of the Bureau of the Budget has resulted in greater gubernatorial control over other institutions in state government. But BOB has also forced state agencies to take a serious look at how well they are spending taxpayer dollars. It has done this by requiring agencies to relate the expenditures of revenues to the accomplishment of planned objectives. There are still weaknesses in this process, but one thing is certain — *Illinois state agencies are doing program analysis*. They are describing expected results, measuring whether they were achieved, and examining the impact of services.

That the BOB is responsible for this more planned and rational method of budgeting state expenditures should come as no surprise. The Bureau was created by a governor who felt that since he was held accountable by the voters of Illinois for the state's financial plan, he should have more control over it. As governors grapple with complex, controversial, and costly programs such as mental health, corrections, public aid, and transportation, they need management tools to get the state more for its money. The BOB has provided these tools. □

Legislative Action

On way to becoming workhorses

Reprinted from Illinois Issues, December 1975

MOST PUBLIC discussion of legislative activity during the interim period between the close of the first session of the 79th General Assembly on July 2 and the opening of the "veto session" on October 22 focused on anticipation of attempts to override gubernatorial vetoes. Speculation centered on what budget reductions, if any, would be subjected to attempts at restoration of funds.

While this did point to the publicly more exciting aspects of legislative politics in Illinois, it overshadowed what, in the long run, is likely to be more significant activity in terms of the passage of important legislation in the near future. Many legislative committees and subcommittees were meeting to discuss proposals for major changes in public policy. These sessions came much closer to the heart of policy-making in Springfield than did the rhetoric which surrounded reduction vetoes and promises of restoration when the October session began.

The activity of standing committees and their subcommittees has long been recognized as the heart of policy development within the U.S. Congress. But this has not been the case in most states. It is only with the increasing complexity of policy problems dealt with by state legislatures and the broadening scope of state governmental programs and budgets that state legislative committees have begun to rival their counterparts in Congress. Thus, it is possible to view the numerous meetings and hearings of the summer and early autumn months as an indication of the policy areas where major proposals could surface during the 1976 session which begins the first Wednesday in January.

In the Senate, for example, the Education Committee held several meetings concerning the formula for funding public schools. This became a pressing problem with the reductions in the appropriations legislation. In addition, the governor called for a special session concurrent with the veto session to deal with the problems of school funding.

The Senate Pensions and Personnel Committee also met to discuss many of the perennial problems faced by the various state employee retirement systems. The problems in this area are intensified by debates over the levels of state contributions to the various systems as well as the complexities of funding pension systems to guarantee that the increasing number of retired state employees can receive adequate benefits.

Two subcommittees of the Senate Finance and Credit Regulations Committee also met during the interim period discussing the areas of branch banking and variable rate mortgages. There has been ongoing debate over the desirability of allowing branch banking in Illinois, one of the few states which prohibits such activity. The discussion of mortgage rates seems to be an attempt at finding a way to avoid recurring debates over the usury rate. A fixed maximum interest rate on mortgages requires legislative action on a regular basis during periods of continuing inflation. Variable rates are being utilized in a handful of states and the proponents see this system as a means for insuring greater availability of mortgage money on a continuing basis by allowing the interest rates to fluctuate with money market conditions.

Committee activity in the House of Representatives was far greater than in the Senate. While the count is not complete, there were meetings of more than 38 subcommittees from at least 14 of the standing committees of the House. It is difficult at this time to determine how many of these interim meetings actually will lead to consideration of bills on the floor in the upcoming session. One area that seems sure to yield a committee bill is divorce reform where a subcommittee of Judiciary I was working to draft legislation agreeable to both the Chicago and Illinois Bar Associations.

Judiciary II held hearings on the state's criminal justice system and is likely to respond to a legislative package that is forthcoming from the Illinois Law Enforcement Commission. In view of the stated opinions of the governor, this is one area where a great deal of controversy may be generated within the General Assembly early in 1976.

Numerous subcommittees of the House Revenue Committee dealt with legislation in the areas of sales tax, bingo and lotteries, the corporate personal property tax, and property tax reform. Among the topics discussed in subcommittees of the Human Resources Committee were health services, long term care, child welfare services, public assistance, and generic drugs. A joint subcommittee of the Human Resources and the Executive Committees heard testimony on the implementation of P.A. 78-1270 dealing with the problems of alcoholism.

The problem of school finance surfaced in discussions of a subcommittee of the House Elementary and Secondary Education Committee. A subcommittee of the Executive Committee scheduled several meetings on the "public's right to know." Over 23 different bills were on the calendar of a subcommittee of the Personnel and Pensions Committee. In addition to the hearings on divorce reform, other subcommittees of Judiciary I dealt with legislation on landlord-tenant relations, medical malpractice, and probate.

This partial listing of the busy schedule of the Senate and House subcommittees serves to indicate the amount of work that the legislature has been carrying on in the period since the regular session ended. It has been a means to deal with the large number of bills placed on the study calendars (see Legislative Action, October) as well as a number of policy issues that are likely to be the focus of major legislative activity during the 1976 session. It is also an indication that, regardless of the wishes of the membership, the General Assembly is moving closer to becoming a full-time, year-round legislature./L. S. C. □

Reprinted from Illinois Issues, August 1975

By PAUL SIMON

Mr. Simon goes to Washington

The differences between Congress and the Statehouse are more than a matter of style. The Congress passes fewer measures, legislators' votes are under more intense scrutiny, and there is a larger sense of awe in the Congress due to the greater weight of issues. But there is also 'some special reverence and pride' for a freshman legislator there

PAUL SIMON
U.S. Congressman from the 24th district in Southern Illinois, he has served a term as lieutenant governor, and prior to that spent eight years in the Illinois House and six years in the state Senate. Simon has authored and co-authored six books including *Lincoln's Preparation for Greatness* and *The Politics of World Hunger*. He began his career as a newspaperman and publisher.

THE DATE: March 26, 1975 (the 83rd birthday of former Sen. Paul Douglas).
THE PLACE: The floor of the House of Representatives in Washington.
THE TIME: 10:30 p.m.

Amid points of order, speechmaking good and bad, and an abnormal amount of floor disorder, the House approached a final vote on the conference committee report on the largest tax cut in the nation's history. The Senate awaited House action and senators milled around the floor of the House, joining in the speculation on what the vote might be and what the President would do with the bill after it passed.

Seated in the balcony, my wife leaned over the edge and shouted down to me, "It's just like Springfield!" And so it must have seemed. Jeanne came to the Hill to meet me because that night we were to join a few old friends of Paul Douglas to celebrate the senator's birthday. Early in the day the leadership predicted a vote "around five o'clock." At 6:00 p.m. I called the host of the party and told him that it looked like it might take another two hours. At 10:45 I called again; we would not be able to be there.

All of that does sound like Springfield. There is a certain amount of unpredictability in every legislative body, and the U. S. Congress is no exception. There are other similarities to Springfield, and also many differences.

There are some obvious physical dissimilarities on the floor itself. Members are not assigned seats. You wander in and out and sit where you wish. If you want to discuss a subcommittee report with a member, you look around the floor for someone from the subcommittee and sit next to that person. During the course of a two-hour session you may sit with six different members. And while the aisle generally separates Republicans and Democrats, if you feel like visiting with a Republican member during some point in debate, no one objects to your sitting on the other side of the aisle.

Unlike Springfield, there is no such thing as the explanation of a vote. You enter into debate or you don't speak. Once the speaker (or chairman of the Committee of the Whole—explained later) calls for the vote, there is no more debate.

The vote can be a voice vote. A recorded vote is not required for passage of a measure. If a voice vote is not satisfactory, a member may request a vote by division (the proponents and opponents standing to indicate their positions). If the issue is one of substantial controversy, the vote will usually be recorded. During a recorded vote each member inserts a plastic voting card into one of several devices placed around the chamber. As in Springfield, legislators may vote in the affirmative, in the negative, or present. This is a 15-minute process with a clock similar to one at any sporting event indicating how many minutes and seconds remain until the voting period is complete. When the voting starts, a large electronic board, concealed by engineering ingenuity until that moment, suddenly comes on: green, red, and orange lights for yes, no, and present, respectively.

Before a vote begins, bells ring (actually buzzers in most instances, but in the special language of political Washington, buzzers are never called buzzers). The buzzers tell you in your office or in a committee meeting room that a roll call is about to take place, or that someone has questioned a quorum, or otherwise signals House activities. And then the race begins to avoid phone calls, friends and constituents in order to get to the floor in time to vote.

Every vote is subject to greater scrutiny than in Springfield. Within two weeks the *Congressional Quarterly* will publish each of your votes and the

significance of each vote. On many issues there will be several organizations doing the same. At the end of the session the percentage of votes missed will be published. I don't recall this ever happening in Springfield. It is a project of some significance that perhaps *Illinois Issues* could undertake. Liberal organizations will test your liberality and conservative organizations will do the opposite; environmental, labor, business and a host of other organizations and interest groups—not to mention individuals—pay great attention to votes cast.

During the course of a week there will be fewer recorded votes on the floor than is the case in Springfield. This can be explained in large measure by what is perhaps the major difference between Washington and Springfield. During the course of a legislative session in Springfield roughly 40 per cent of the measures introduced will pass both houses. In Washington it will be less than five per cent.

The cause of this difference is the single major procedural distinction between Washington and Springfield—in Washington committees generally provide more thorough attention to matters than in Springfield. In Congress the major decisions are usually made by the committees; in Springfield the major decisions are usually made on the floor. In Washington if a committee fails to act on a measure or keeps it in the committee following a negative vote, there may be some speeches on the floor, but it is unlikely that the entire body will ever vote on the matter, much less reverse the committee action. In Springfield there is more likely to be a vote explanation in committee by a member, "I'm going to vote to bring it onto the floor for discussion, but my vote does not mean I favor the bill." I have yet to hear that in Washington. If a committee defeats or bottles up a major bill in the Illinois General Assembly, there will at least be a motion by someone from the floor to discharge the bill from the committee, and occasionally such votes carry. There is much less likelihood of this on the congressional scene.

The staff work of the state legislative committees has improved markedly since my first years there, thanks to many people but in particular former Sen. Russell Arrington (R., Evanston) and Rep. Harold Katz (D., Glencoe). But in both legislative attitude toward committee work and adequacy of staff, Washington is a different ball game. General Assembly committees rarely meet when the body is in session. In Washington, committees frequently hold sessions while the parent body is in session.

Committee importance

I cannot recall the chairman of a committee being referred to as "Mr. Chairman" or "Madam Chairman" outside of the committee sessions themselves in state government. But at the federal level, the chairman of a committee or subcommittee is regularly referred to as "Mr. Chairman." To head a committee on the Washington scene is recognized as a position both of prestige and power, a position used more effectively by some than others. The frequent use of the title outside the committee room is another of the small indications of the importance of committee work in Washington.

Another mark of the importance of congressional committees is the amount of money spent for their support. The House Committee on Education and Labor on which I serve, for example, has a budget of $1,600,000. I don't recall a dollar breakdown on the state legislative committee expenditures, but if such a breakdown were readily available, the contrast would be immense—perhaps something like 100-to-1.

The committees and the House here in Washington are no longer dominated by strict adherence to seniority, but it continues to mean a great deal more in Washington than it does in Springfield. The freshman class of which I am a member helped to knock out seniority as an automatic thing, and I believe this change is healthy. No one should assume a position of major influence in this nation simply because that person happens to have a safe district and breathes. But just as the reforms of this session modified a previous system, I am sure our change will eventually have to be modified also. The reform on seniority did not spring out of ideology—as some of the media have indicated—but more out of a feeling for competence. I made a speech seconding the nomination of Henry Reuss (D., Wisconsin) to be chairman of the Banking and Currency Committee, to replace the respected but aging Wright Patman (D., Texas). But I voted for George Mahon, also of Texas, to be chairman of the Appropriations Committee because I respect his competence—through philosophically I have a greater kinship with Patman than Mahon.

In any event, seniority is not necessarily the crucial factor in the committee chairmanships. But it is a media myth that we "have slain the dragon of seniority." It is alive and kicking and well in a variety of forms. Selection of office space goes by seniority, the member serving the greatest continuous service getting first choice, and on down the line to the freshmen. Among the freshmen, the "retreads" (those who served before but not continuously) get first choice, then the other freshmen draw numbers out of a hat. The person who drew number 1

Congress has a different voting system, more and better staff work, and places greater emphasis on the action of committees than the Illinois General Assembly

got the first choice among the remaining rooms. Out of 84 freshmen, I drew number 81—so my office is neither particularly spacious nor accessible. (Perhaps a few of your readers will recall that having office space problems is not a new experience for me in public office.) But you need not look for my office as evidence. Check the office of any freshman and you will quickly see that the seniority system is still alive.

Seniority in subcommittees

So far as I know, the important subcommittee chairmanships, without exception, went to members on the basis of seniority. The highest ranking member on each subcommittee got his or her choice of chairmanships, the second highest got second choice, and so on. Membership on subcommittees went the same way, freshmen getting last choice.

Another significant difference between the Illinois General Assembly and the Congress is the committee questioning process which also follows the same seniority basis. The most senior members get the first chance to ask questions on down the list to freshmen. I have seen this on television during the impeachment proceedings of the House Judiciary Committee, but I assumed it was a procedure worked out to avoid letting any one member grab the spotlight too much. But this same procedure is followed on all committees and subcommittees.

Conflicts in committee schedules, I regret to say, are as much a problem in Washington as they are in Springfield. But the redeeming feature on the Washington scene is that more thorough committee work means that it is a rarity for a bill to be brought up suddenly and passed with only 30 minutes of consideration. This frequently occurs on the state scene. Days, weeks and months of hearings may be spent on one bill in the U. S. House. The end product may not be a good one, but it is rarely a hasty one.

There are exceptions to these procedures, of course, both at the state legislative level and at the congressional level. One bill in the U. S. House recently came out of committee after months of hearings, but during the last two days a series of amendments were tacked on which had not been carefully considered.

Staff support differences

Staff support in Washington and Illinois are different. In both legislative bodies, committees have staff, but in the General Assembly, personal staff is limited to the leadership and to what an individual legislator can afford for staff salary out of his $10,000 for office expenses. U. S. Congressmen are permitted a staff of up to 18 people. Obviously, much of the staff time is spent on what we in Congress call "case work." In Illinois, I remember hearing this phrase used to describe the work of social agencies, but I don't recall it as a common legislative term. Mail takes another large share of the staff's time. So far this week, for example (today is Thursday), we have sent out answers to 793 letters. Although our staff members are paid no overtime, it is not uncommon for them to work evenings, Saturdays and holidays. The old myth of congressional staffs loafing in Washington has no basis in fact in the offices I have observed, certainly not in ours. Were it not for this staff it would be impossible for me to work effectively. I am much more dependent on my staff in Washington than legislators are in Springfield.

One area where the state legislative operation is clearly superior to the Washington procedure is the floor action on amendments and the participation in debate. When a major bill comes before the U. S. House, the House resolves itself into a Committee of the Whole—almost a daily occurrence. Then someone is designated by the speaker to preside over the Committee of the Whole. This appointee is never the chairman of the committee involved—which is usually the case in the General Assembly. During the Committee of the Whole proceedings, debate takes place and amendments are offered. As in the General Assembly, amendments can be adopted by the narrowest of margins, with no requisite number required for voting. But congressional procedures differ from those in Illinois in that final action on amendments is ordinarily taken when the huge majority of members are not on the floor; in a body of 435 members, it is not uncommon to note a 26-16 vote approval for an amendment. And the numbers present for important debate may vary from 50 to 200, but rarely is it more. What takes place following debate is much like Springfield: The bells ring and members rush to the floor with the old familiar refrain, "What does this bill do?" This makes it sound worse than it is, because members are reasonably well posted on a bill and its contents. But the bells never tell which bill is being called for a vote.

We have the best research work in the world available to us through the Congressional Library Research Service. Bill drafting services are available, though I have to report the service is much slower than in Springfield (but the situation may change with seniority). Once the bill is drafted, it is placed into a small box at the side of the front desk for introduction at any time in the session. There is no roll call for introduction of bills. We are also much more casual in the appearance of a bill or amendment. It may be handwritten with scrawls all over it. A Republican colleague from Illinois showed me a bill he planned to introduce and asked my opinion of it. I gave him my reaction to the bill, which had been typed, but penciled words and phrases had been added frequently and were nearly illegible in several instances. I then saw him take the bill and put it in the "hopper," the small box where we introduce bills. I asked if he could introduce it in that rough form. He assured me that he could, and I have seen it done many times since.

A major difference between Washington and Springfield, of course, is the scope and impact of the decisions made. Tonight—as I sit typing this story—President Ford will address the joint session of Congress and the nation on the subject of Southeast Asia. No matter which side any one of us takes on military action in that troubled area, there is an underlying awareness that this is not just another political issue. Immediately at stake are the lives and futures of many innocent people in that region and whether we are taking a step toward world peace or world chaos. Two weeks ago the foreign aid bill passed the House by the thin margin of eight

votes. A four-vote switch would have meant foreign aid of the traditional variety had ended. Whether it is a vote on a social security matter which will change the lives of tens of millions of Americans, or the Vietnam issue, or school lunches, or what it is, there is still for this freshman member some awe in casting a vote that means so much to the nation. Perhaps some of that awe wears off after a while, but I hope it never does completely.

The personal differences

There are personal differences too, things that affect your life in one way or another, sometimes superficially, sometimes more than that. For instance, the trip from Washington to your district is much longer than for a member of the General Assembly from Springfield to home. The longer distance means fewer trips, but probably causes better utilization of your time when you are in your district.

Real estate prices are high in Springfield compared to my home district—but they are low in Springfield compared to the Washington area. All newcomers to Washington go through this real estate shock. Last night I talked with a couple from Evanston who thought that real estate prices in Washington could not be worse than Evanston. They learned to their sorrow the facts of life when they made the move.

But the legislative salary is better in Washington than Springfield. A U.S. representative receives $42,500 a year in salary and a $6,500 "stationery allowance" for a two-year period, compared to an annual $20,000 salary and $10,000 for office expense benefits in Springfield. In your first briefings you are advised that the $6,500 is your money that you can do with as you wish. "You can go out and buy yourself a Cadillac if you wish and it will be perfectly legal as long as you declare it," we were advised at an early counseling session. But the practical reality is that for the active member of Congress, office expenses will run far above that figure of $6,500.

One final similarity: I never walked down Capitol Avenue in Springfield with the Capitol before me without having some special reverence and pride in that building and what it stands for. It has housed scandals and fraud and bribery—but it has also housed men and women who have caught the spirit of a free country and fought to preserve it. I get a similar feeling in seeing the big, white-domed Capitol in Washington. Yesterday at noon about 10 of us in the House met in a small room in the Capitol for lunch to discuss the energy problem and possible solutions. We met in the room in which Sam Rayburn and Harry Truman were seated when Harry Truman received a phone message: He was about to assume the presidency. And here we were in that same room discussing issues that Sam Rayburn and Harry Truman would have enjoyed discussing, too.

Right now I sense that we as a nation must determine some new directions and gain a new sense of purpose. Part of that must emerge from this Capitol building where I now work. And at least for the next 21 months, I shall play a small part in shaping that purpose and those directions.

I would be fooling you if I did not say that I am somewhat awed at the prospect, but not so awed that I don't welcome the chance. □

The seniority system is not yet dead, especially in committees. Decisions made in Washington have greater scope and impact than those made in Springfield

Reprinted from Illinois Issues, December 1975

By HENRY J. HYDE

The beggar on horseback: How one congressman views his job

After serving 8 years in the Illinois House with 177 members, now as a member of the U.S. House, 435 members, he finds the differences are more profound than just size. Congressmen, unlike state legislators, are seldom on the floor during debate

HENRY J. HYDE
U. S. Representative from the sixth district, composed of Cook County suburbs west of Chicago and a portion of DuPage County, he served in the Illinois House of Representatives from 1967 to 1974 and was majority leader (Republican) in the 1971-72 sessions. Elected to Congress in 1974, he serves on the Judiciary Committee and the Committee on Banking, Currency & Housing. He began his career as a trial lawyer.

EDITOR'S NOTE: Congressman Paul Simon, Carbondale, a former lieutenant governor and member of the General Assembly, now a freshman in Washington, wrote of his impressions of the national legislature in our August magazine. Now Congressman Henry Hyde, Chicago, also a former legislator and first termer in the nation's capital, describes his initial reactions. Simon is a Democrat, Hyde a Republican.

"A BILLION here and a billion there . . . that can add up to real money," was the late Senator Everett Dirksen's classic statement on congressional spending. Dirkson's comment underscores but one of several factors that have evoked a sense of awe since I first climbed the Capitol steps last January to be sworn in as a freshman congressman.

The massive white Capitol building is impressive enough, as are the countless federal buildings housing a teeming bureaucracy. All these create an aura of overwhelming size and impregnability that has a sobering effect on the desire of new congressmen to change the world. Although I served an apprenticeship of eight years in the Illinois House of Representatives, I was still unprepared for the contrast between an assembly of 177 House members and a Congress of 435 members. The differences are more profound than just the size of the two legislative bodies.

In Springfield, most members are at their desks when the House is in session and thus, as a captive audience, they have no choice but to attend debate and, occasionally, be influenced by it. But congressmen are seldom "on the floor" during debate. When the bells ring in their offices they hurry together for a quorum call or a vote. One reason for this seeming indifference to debate is that members have no desks on the congressional floor, only rows of unassigned seats. No real work can be done on the floor. Constant attendance means listening to the many verbalizers and the too few orators, all speaking for publication in the *Congressional Record* (perhaps because of the widespread myth among congressmen that large numbers of people are concerned about and actually read the *Congressional Record*).

Mountains of reports to read

In addition, committees will sometimes meet while the House is in session or a member may have important visitors in his office, constituents who have traveled a long and expensive way to see their congressman. In short, there are myriad good reasons why he cannot spend the afternoon on the floor. The most time-consuming activity, however, is the most indispensable: reading the mountains of reports and analyses of legislation sent to members every day. Besides these, there are letters and visits from business and labor leaders, local and state government officials, students and citizens from every walk of life—the list is literally endless of those who seek communication with congressmen and whose messages are important and demand attention and often a response.

Every congressman has a district population of about half a million people. Increasingly, these citizens seek the aid of their congressman, and whether their problem is federal or not, an answer or some sort of help has to be provided. The time spent on constituent service consumes a large portion of the time of the congressman and his staff. The old saying that a congressman is as good as his staff is verified in many ways each day. The staff members' skill at handling people and problems is remarkable.

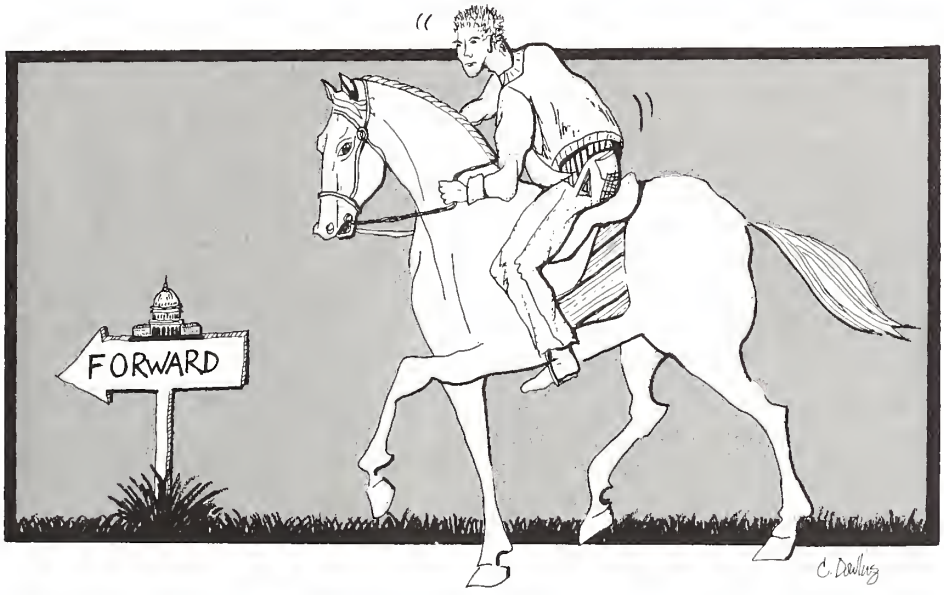
In Springfield, a legislator also must assist the constituents with their "people problems." But state districts are much smaller and each has three representatives and a state senator to share the mail and the problems, so there is really no comparison in the workload between the two types of offices. The smaller scale of operations on the state level makes the state bureaucracy more accessible and responsive—or so it seems to me. In Washington the departmental "runaround" has become a fine art.

Fiscal policy issues

Freshman congressmen sometimes feel the excitement of a spectator sitting in the grandstand at the Rose Bowl game. The big difference is that we can't just watch the game. Matters of the highest importance must be studied, understood and finally voted upon. Most issues have economic, technical, political and even philosophic implications that the conscientious member must grasp if he is to vote intelligently and to be able to defend his vote when the inevitable criticism surfaces.

One such issue is fiscal policy. Nowhere in the American political world is the gulf between Republican and Democratic philosophies more apparent than in the economic sphere. Standard Republican doctrine proclaims that inflation, hence recession, is caused by Congress spending far more than it receives in taxes. This abhorrence of deficit spending is the root of all our nation's evils, say Republican spokesmen over and over again. "Not so!" reply the florid orators of the majority Democrats, and they proceed to place all our economic ills at the feet of Arthur Burns and the Federal Reserve Board's "tight money" policy. If only we had a monetary policy that eased credit restrictions and put more money into circulation we would soon be enjoying the fruits of the New Deal, the Fair Deal and the Great Society (not to mention Camelot!) in abundance. When it comes to spending tax dollars we haven't got, this Congress with its expected $80 billion deficit was anticipated in 1789 by the English poet and anti-rationalist William Blake, who wrote, "The Road of Excess leads to the Palace of Wisdom."

Occasionally some economist will try to make the point that our inflation/recession is the product of unwise fiscal and monetary policy plus the relationship between wages and productivity. But his voice is drowned by the tumult and shouting of the ideologues of both parties. The spectacle is at once stimulating and frustrating.



The issue of energy has consumed more time, and to less avail, than any other in Congress. However, even for one as nontechnical as myself, there is enormous interest in the many exotic sources of energy now being hurriedly funded by Congress. Solar energy is the new panacea of the liberals, whose mistrust of nuclear energy and whose antipathy to petroleum ("big oil cartels, obscene profits, environmental hazards, etc.") and coal ("raping the land, etc.") has made sun worshipers of them all.

Foreign policy

Watergate provided the impetus for Congress to declare itself not only a full partner in the formulation of foreign policy, but the senior partner. Authors like Arthur Schlesinger, Jr., who previously had applauded gleefully at every accretion of executive power from Roosevelt through Johnson, suddenly became aware of the specter of the "Imperial Presidency." Now they write endlessly of the need to strip the White House of its heretofore unilateral power in this sensitive area.

The wisdom of congressional interference in the Soviet Union's emigration policies is still a matter of sharp controversy as is Congress's actions regarding Cyprus and the ending of the American presence in South Vietnam. That we in Congress are subject to shifting political winds in a far more vulnerable way than is the White House is a fact not often considered. The weakening of the Presidency in foreign policy has emboldened not only Congress but organized labor as well. The longshoremen's demand concerning the Soviet grain deal is not likely to be an isolated occurrence. More and more segments of society undoubtedly will seek to "get in the act."

Nevertheless, the resolution of these issues is vital to the national welfare. We and our children's children have a stake in the survival of our country and, for that matter, in the survival of Western civilization. No mere word like "detente" can gloss this over. What exactly are the costs of détente? What are its consequences in a world grown more restless and fragmented? Complex questions like these take much of the time and energy of today's congressmen.

Reform of Congress

The 92 freshmen (75 Democrats and 17 embattled Republicans) all came to the Hill with an eagerness to make the 94th Congress far better than its predecessors. The close media coverage of congressional action has only added to the determination of the newcomers to shake things up, to take giant steps towards that brave new world we promised our constituents if they would send us to Washington. There is a sort of spiritual refreshment in watching those whose armor is still not dusty or dented. It is exciting to listen to the

A politician 'must be smart enough to know the game and dumb enough to think what he's doing is important'

rhetoric of those lately arrived statesmen who are bursting with plans and programs, which if implemented, will elevate and deliver us!

But this messianic mission has sputtered and fizzled and finally flopped. The seniority system, that relic of the dark ages, was the first totem to be attacked. Three powerful committee chairmen were toppled, but this was hardly a major victory, as no new precedent or principle was established. In these *ad hoc* situations more was left undone than was accomplished. My own view is that the seniority system is preferable to the brokering of committee chairmanships, a practice that poisons the political process in Springfield.

The proclaimed goal of making Congress more open was only partially attained, and then only by the Republican House members who voted to open up their conferences to the press and public while the Democrats continued to meet in caucus behind closed doors. In September the Democratic caucus voted to open their meetings to the public. Proxy voting in committee was restored by the Democratic majority, hardly a contribution to reform. One of the more graphic examples of expediency over principle was the silence of the majority, including 75 freshman Democrats, while the 83-year-old chairman of the House Rules Committee personally blocked reconsideration of the Turkish aid question. As pointed out by columnist David S. Broder, "He used the oldest form of arbitrary power Congress has ever known—the refusal to call his committee into session." This action drew no censure from those reformers who would have salivated with outrage if an old-style Dixiecrat chairman had used this same tactic to prevent consideration of a civil rights bill. Oh reform, how fleeting and fragile thou art!

I have always been amused by the words of Eugene McCarthy, who, in a memorable display of sour grapes, said that a politician must be like a football coach. That is, he must be smart enough to know the game and dumb enough to think what he's doing is important. If anyone fails to perceive the importance of the substance of politics, he is insensitive indeed. The decisions that must be made on revenue and spending, the drawing of the elusive line again and again between liberty and order, the protection and enhancement of human dignity, is hardly unimportant work.

In his last novel, *You Can't Go Home Again,* Thomas Wolfe reminds us that human progress is never in a straight line. Rather, it is like a beggar on horseback reeling and lurching. But the important thing is not that the beggar is drunken or that the horse is reeling, but that he *is* on horseback and he *is* moving forward. It is the task of every politician, therefore, to take those reins and help guide the horse and his rider towards the justice and liberty we have been struggling 200 years to attain.

Every elected official knows well the occupational disabilities of public life. If your constituents don't question your integrity and motivation, the media will. Your pocketbook, contrary to public opinion, becomes thinner with each campaign, your family life is all but shattered and you become a total stranger to the concept of job security. In public esteem a politician is rated 19th out of 20 occupations, slightly above a used-car salesman. Why then, would a sensible person choose politics as a career? An obscure Massachussetts colonial politician named Andrew Oliver said it best:

> Politics is the most hazardous of all professions. There is not another in which a man can hope to do so much good to his fellow creature. Neither is there any in which, by loss of nerve, he may do more widespread harm. Nor is there another in which he may so easily lose his own soul. Nor is there another in which positive and strict veracity is so difficult. But danger is the inseparable companion of honor. With all the temptations and degradation that beset it, politics is still the noblest career that any man can chose.□

Selected state reports

Continued from page 10.

"Records, Privacy and the Law: A Need for Legislative Action," a paper jointly produced by National Association for State Information Systems (NASIS), the Government Management Information Sciences users group (G-MIS), and Project SAFE (The Secure Automated Facility Environment Project of the International Business Machines Corporation), [1974] 37pp.

"The Elements and Economics of Information Privacy and Security," a report of Project SAFE, [1974] 123pp. plus appendices.

"Recommended Security Practices: Policies, Procedures, Guidelines, Responsibilities," [1974], a manual of Project SAFE. (Copies of these three reports are available from any district IBM office.)

These first two publications concern the conflict over the need of various parts of society to keep information and records and the individual's right to privacy. The first report traces the development of present law and proposes a model privacy law. The second is a study conducted in the Management Information Division of the Illinois Department of Finance. It is intended to acquaint departmental administrators with the issue of records and privacy and to provide guidelines for implementation of safeguards on records in their control. The third document is intended as a manual.

■ *Criminal Justice/Change and Challenge: The 1974 Comprehensive Criminal Justice Plan for Illinois,* a report of the Illinois Law Enforcement Commission (1974), 50pp.

ILEC, established in 1969, is responsible for statewide criminal justice planning and for funding projects undertaken by regional criminal justice planning commissions. This booklet summarizes ILEC experience over the past five years, discusses steps to improve the administration of criminal justice, outlines programs and goals for 1974, and gives figures on state and local components of the criminal justice system.

■ "The Management and Disposal of Solid Waste in Illinois," Publication 147 of the Illinois Legislative Council (November 1974), 32pp.

The collection, transportation, storage, and volume reduction of solid wastes are discussed as well as traditional and modern methods of disposal. Following this discussion is a brief review of the Anti-Pollution Bond Act approved in 1970 and the guidelines for solid waste management demonstration grants.

Continued on page 86.

Reprinted from Illinois Issues, April 1975

By EDNA McCONNELL

Howlett, a loyal party man, wants to let the sunshine in

Illinois' secretary of state has no real political enemies—Democrats or Republicans. His philosophy is 'do something good and let everyone know about it'

MIKE HOWLETT, secretary of state of Illinois, is a loyal party man.

He appears at rallies, headquarters openings and Democrat Days at fairs. He stumps the state for party hopefuls, doesn't oppose members of his own party, and makes no attempt to disguise his long-time affiliation with Mayor Richard Daley of Chicago.

"Daley is my friend," he says simply, "he never interferes with me." During the recent marathon speaker's race in the House he chided a Republican legislator who had addressed him, "Your Majesty," saying, "If you belonged to our party you would know that there is only one 'Majesty' in it." Strong party ties do not prevent Howlett from working closely with Republicans, however, or from differing with Democrats when he has cause. "When I was elected I became secretary of state for all the people of Illinois, not just the Democrats," he said.

Separate personnel

He parted ways with Gov. Dan Walker last year and joined forces with Republican Attorney General William J. Scott in an effort to establish an independent civil service commission for the personnel under the jurisdiction of the secretary of state. The legislation passed but was vetoed by the governor. It will be introduced again in the current session.

Howlett feels the legislation is necessary because "it is unsatisfactory for any elected official to have power over the employees of another elected official." All civil service employees were put under the governor's personnel code during the Ogilvie administration, and Howlett's efforts to get control of his own employees will put him in opposition to Walker again.

Howlett's relationships with members of the party hierarchy are strained only at the gubernatorial level. He gets on so well with Lt. Gov. Neil Hartigan that one of his sons worked a few months in Hartigan's office. According to an aide, State Treasurer Alan J. Dixon is his personal and professional friend. County chairmen love him because he has not barred them from working for him as Walker has. Regarding his gubernatorial ambitions he says, "I always support the party incumbent in the primary, *if he is doing a good job.*" If the qualifying phrase raises more questions they are turned aside with: "I want to be the best secretary of state that Illinois ever had."

Board of review

Howlett has established a board of review for his employees who have been dismissed. If the board finds that political considerations were the primary reason for dismissal, it reinstates the employee. To date about 25 per cent of those going before the board have been reinstated.

Howlett got to the top of state government by hard work, party loyalty, an unflappable personal demeanor and a lot of not-very-muted horn blowing. He admits that his political philosophy is to "do something good and let everyone know about it."

High visibility

Observers agree that Howlett has the greatest name recognition of any state Democrat excluding the governor. His recent duty as presiding officer of the House of Representatives during the speaker battle brought him national attention via television. His high visibility is carefully orchestrated by a superb staff which is long on courtesy and information and which depicts him as a cost-cutting administrator who demands 100 cents worth for every taxpayer's dollar. At the drop of a question mark there emerges a flood of illustrations. Examples: Howlett cut the pages in the *Blue Book* from 856 to 655 and eliminated the color pictures. He had all politicians' pictures removed from driver's license stations and from *Rules of the Road*. He closed 45 of these stations, terminating 111 employees; he dropped the number of employees under his jurisdiction from "over 4,000 to under 3,600."

The year Howlett came into office

EDNA McCONNELL
Formerly staff writer for the Danville, Illinois, *Commercial-News*, she was editor of the *Georgetown News* and its two subsidiaries, the *Catlin Courier* and the *Westville News*, and served a resident internship with the *Illinois State Register*. She holds an M.A. degree in public affairs reporting from Sangamon State University.

The average salary for Howlett's current 3,600 employees is $9,380 compared to $7,731 for the 4,000 employees in 1973

(1973) the budget appropriation for the secretary of state was $79,086,181. For fiscal year 1974 the appropriation was raised to $85,679,135, and for 1975 it was increased to $92,888,592. In a January speech, Howlett said his office had improved services while holding costs below the inflationary rise—without taking it out of employees' pay. Since inflation is computed by the federal government on basics (food, clothing and shelter), it is difficult to make a comparative assessment of the inflationary impact on an area of government. If 12.1 per cent is used, Howlett's 1974 budget of $85,679,135 rises to $96,046,310 in 1975. The actual appropriation was $92,888,592.

The expenses listed in the appropriations as "general office," however, jumped a startling 65.8 per cent in 1975 as compared to a slight decrease in the governor's general office appropriation and a very small increase for the general office appropriation for the state treasurer. Even though total personnel is down, inflationary pressures have driven total personnel costs up slightly: from $30,926,095 in fiscal 1973 to $33,688,944 in fiscal 1974 to $33,768,512 in fiscal 1975 (figures do not include retirement and social security payments). The average annual salary for Howlett's current 3,600 employees is $9,380, compared to an average salary of $7,731 for the 4,000 employees in 1973.

Last year's rumor

The loyalty of well-treated employees is important to a man who may want to run for office again — and again. Last year's rumor that Howlett was slated to run for mayor of Chicago (because of Daley's illness) were just that — rumors. Aide Ed Reynolds says flatly, "He was never asked," and adds, "Howlett is interested in government at the state level." Howlett observes that if he left his present post to become Chicago's mayor, the governor would have the authority of appointing his successor.

"The best way to get into politics," Howlett says, "is to get out of school during a depression." In the words of his official biography, he "left his studies at DePaul University to serve Illinois' state government as bank examiner." He admits that the appointment as bank examiner was helped by the fact that his father was a friend of the late governor, Henry Horner. It was this foot-in-the-door that led to later jobs and political service.

Attraction to politics

A business administration major in college, Howlett's work has been in the area of both business and administration. He started his own insurance business, was director of the Chicago area of the National Youth Administration (a depression-born youth-work program), a park district executive, a regional director for the Office of Price Stabilization, and a vice president of the Sun Steel Company. But politics always attracted him. Howlett enjoys his job and party role and says so. "People are in politics because they like it," he emphasizes.

Howlett is married to the former Helen Geary, the only person in his life who has the "power of veto" over any of his important decisions. He would not, he says, run for governor without "some important consultations—like with Mrs. Howlett." The couple has six children: Mike, Jr., an attorney; Robert, an investigator for the secretary of state's office; Edward, who owns a travel agency; Catherine (Kitty), a college student in Indiana; and Mary and Helen, high school students who live at home. "Home" is in Chicago. The family lived in Springfield for a time but returned to Chicago, according to an aide, so that Mrs. Howlett's mother, now in her nineties, could be close to her long-time physician.

In 1950 Howlett made his first bid for state office and was defeated for the treasurer's spot by William Stratton. In 1956 he battled Elbert Smith at the ballot box for the state auditor's post and was again defeated. On this third try for state office Howlett was elected auditor in 1961 and has never lost an election since.

"There is no substitute for opening the windows, letting the sunshine in and getting everything out into the light of day," is Howlett's stated policy. He started his state government career by a now-famous bit of window opening. When campaigning for the auditor's spot in 1960, Howlett became so suspicious of the incumbent auditor's spending that he hired an accountant to study the auditor's records. The results of the study were eventually placed in the hands of George Thiem, *Chicago Daily News* reporter, who exposed the corrupt spending in Orville Hodge's office to the startled populace.

Honest man, honest people

After 12 years as auditor, Howlett swept to an easy victory as secretary of state in 1972 where he has been careful to keep the windows open. He says, "There must be an honest man in office with honest people working for him." While such sentiments are the common coin of politicians,Howlett's supporters say he can point to a record to back his words. □

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October 1975

By CHARLES B. CLEVELAND

Big Jim

James R. Thompson is running for governor. A Republican who has set a formidable record as federal prosecutor for Northern Illinois, he's 'shaking every hand in sight' on the campaign trail

A FEW MONTHS AGO a friend, driving on Chicago's Near North Side, saw an unusual tableau: Six-foot-six James R. Thompson, then U. S. attorney for Northern Illinois, was standing with his hands raised like a criminal at bay; a Chicago policeman and a squad car was nearby with its mars light flashing. It reprisal for Thompson's war on crooked cops. This was at the crest of Big Jim's war on corruption, that over just a few years' span, had given him the role of Mr. Clean in Chicago. According to one tabulation, he had put in jail one former governor, seven Chicago aldermen, two state representatives, 85 employees of the Democratic controled board of election commissioners. 19 employees of the Cook County Assessor's office (often considered the key to Democratic financing of major campaigns), and 33 suburban politicians. He had also jailed 54 Chicago police. Small wonder then that a passerby might fear that Thompson was in trouble, maybe even extreme danger. More than one renegade cop had turned murderer in the past.

It turned out to be nothing so melodramatic. Crime-fighter reputation notwithstanding, Thompson was in trouble with the law—just like you or me. He had made an illegal "U-turn" and, when the cop stopped him he had playfully raised his hands and "surrendered" with a plea of guilty. The policeman was less than delighted, however. You can't win on that kind of pinch, so he took the easy out, settled for a "don't do it again" warning and an admonition that if Thompson wanted to break the law, please do it on somebody else's beat.

The picture of a crusader beating a traffic ticket isn't the only contradiction that will show up under the spotlight of political scrutiny. Back in college, Thompson was an ardent supporter of Democrat Adlai Stevenson when the former Illinois governor ran for President against Dwight Eisenhower. Now Thompson is a Republican candidate for governor and, if the political winds blow in the right direction, could himself one day run for the Presidency. While this earlier political excursion may earn him the antipathy of hardshell Republicans, it helps boost another of his campaign basics: that he calls 'em as he sees 'em; that neither party has a monopoly on virtue or larceny; that, as a federal prosecutor, he took out after culprits in both parties.

But more important than his support of a Democrat 20 years ago is a serious flaw in his limited political arena. He is well known in the greater Chicago area, but a political unknown downstate. Moreover, as so often happens in politics, no sooner did Thompson leave the prosecutor's office with almost universal praise than the critics started to pick away at that reputation.

Barring a collapse of the Thompson image or the emergence of an outstanding alternative, however, he had the most valuable political asset of all: the look of a potential winner. True, the darkest days of the Watergate Republican party are past; there are even those who regard President Ford as a favorite for reelection next year. But few Illinois Republicans share such unbridled enthusiasm. Their party is almost nonexistent in Chicago, and divided and defeatist in the once one-sided Republican suburbs. Downstate the party is still wobbly from the loss of Congressional districts and seats in the General Assembly it once had won routinely.

Morover, the one man who might have had the GOP nomination virtually on a party platter—Attorney General William J. Scott—took himself out of speculation with an announcement that

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Thompson was projected into politics on his role of Giant Killer. On successive days his office convicted Daley's top two aldermen and his press secretary

he would seek reelection to his present post. In the early going, only a political neophyte, Weight Watcher Executive Richard Cooper was left as an announced candidate, although state Comptroller George W. Lindberg let it be known he was available as a candidate, too. Others obviously will get into the picture at the first sign that the Thompson boom is faltering.

Thompson's entry into big time politics was an open secret for months, even though he managed—for the most part—to keep the federal prosecutor's office off limits. During that period he had a standard answer to all speculation about his political ambitions: "The Republican party is in some stage of disarray in the state of Illinois, so I think it is natural for political writers and columnists to cast about for alternatives; and I am a highly visible prosecutor in terms of what my office had been doing." Thompson also showed he had done considerable study on the matter. He would continue: "Prosecutors in the past have gone on to political office—Tom Dewey, Earl Warren." Then, "I haven't discouraged political speculation; I haven't said I wouldn't be a candidate for political office some day." Such statements were remarkably well suited to the situation. As a federal prosecutor, Thompson had to stand aloof from politics—his double negative "I haven't said I wouldn't" was safely noncommital, but a broad enough hint to keep political rivals from jumping into the race. It also bought him time, time for Scott to make his own decision without pressure. Scott has a volatile temper, and political niceties required that he have first refusal on the nomination.

Thompson held his political posture for months. First there were efforts to persuade him to run for mayor this past spring against Mayor Richard J. Daley. Thompson could have had the nomination for the asking; it eventually wound up going to Alderman John J. Hoellen who didn't want to run but who refused to let the election go by default. Thompson took a more realistic view. He knew Daley had a lock on many of the Republican money raisers as well as an army of precinct captains, while the GOP ward organizations hardly qualified even as paper party warriors. Moreover, except for some stirrings in the Chicago newspapers in behalf of maverick Democrat William Singer, there was no reason to believe any anti-Daley effort would succeed. Thompson declined to become a political kamikase; the hopelessness of the case was so apparent that Thompson took no flak for his decision to live to fight politically another day.

That day came on Wednesday, July 2. A day earlier Thompson had resigned as U. S. attorney; now, in a press conference in the San Juan room of the Sheraton-Chicago hotel in downtown Chicago, Thompson made it official—he was a candidate for governor of Illinois. He followed up his Chicago press conference with a chartered flight to eight other Illinois cities as a kickoff for his campaign.

The giant killer

Thompson was projected into politics on his role of Giant Killer. On successive days his office convicted Alderman Thomas Keane (next to Mayor Daley the ranking Democrat in Chicago), Alderman Paul T. Wigoda, No. 2 man in Chicago's city council, and Mayor Daley's press secretary, Earl Bush. Keane was convicted on 17 counts of mail fraud and one of conspiracy to misuse his influence in the purchase and resale of land. Wigoda was nailed for failing to report a $50,000 payoff on his income tax. Bush was found guilty of 11 counts of mail fraud in connection with his secret ownership of Dell Airport Advertising, Inc., which held contracts at Chicago's giant O'Hare airport. These were no political palookas. Keane and Wigoda were both brilliant lawyers; Keane in particular had ruled Chicago's city council with an iron hand for years. He had been the target of rumors and investigations, but was seemingly invincible until Thompson took him to trial.

There were others. Otto Kerner, a former governor and U. S. Appeals Court judge, was convicted in 1973 of bribery, conspiracy, mail fraud, income tax evasion and perjury in connection with allotment of race track dates while he was governor. Convicted with him was Theodore J. Isaacs, close political friend and director of revenue under Kerner. Another veteran politician, Edward J. Barrett, one time Illinois secretary of state, was convicted of bribery, mail fraud and income tax evasion for accepting $180,000 in bribes from a voting machine company while serving as Cook County clerk. In separate trials a number of Chicago aldermen were found guilty of bribery in connection with zoning matters.

The rediscovered statutes

In a city where conviction of well established political figures is almost unprecedented, this rundown of court victories gave Chicago an unaccustomed air of reform. It also raised the question of just what "magic" Thompson had uncovered. In reality he hadn't discovered anything new, he rediscovered four laws on the federal statute books. Thompson explained it this way: "We decided several years ago that there were some laws available to federal prosecutors that might not be available to local prosecutors and that might be effectively used in official corruption cases. One was the Hobbs Act passed by Congress 30 or 40 years ago to deal with interstate extortion. At the time it was designed to stop extortion of truckers doing business in interstate commerce. The second was the mail fraud statute that predates the turn of the century and was originally designed by Congress to ban lotteries from the mails. But it was so broadly drafted that the courts have held that any sort of fraud offends the statute. The third was a relatively recently passed statute passed as part of the anticrime legislation back in the 1960's. It forbids the use of interstate facilities to promote local offenses; in many of our cases that meant corruption. The fourth is one which has always been in some use against the official corruption cases—the tax statutes—because people who take bribes or extort money rarely report them on their income tax."

In the case of the Keane conviction, Thompson's office developed a theory—unique in this jurisdiction—that hidden conflicts of interest, hidden from their fellows and from the public and which enrich them personal-

ly, are a fraud upon the citizenry. Further, that if a mailing were used in support of that fraud that it was a violation of the mail fraud statute.

Thompson also took a fresh look at an old Chicago custom—policemen shaking down taverns. It's been going on in big cities since the first cop took an apple off a peddler's cart without paying for it; over the years it's become big business. The traditional view of shakedowns was that the cop was taking a bribe from the tavernkeeper. From a prosecution standpoint the bribe-giver is just as guilty as the bribe-taker. Thompson took another tack; that the bribe was usually not voluntary; that the cop really was *extorting* the money from the tavernkeeper. From a prosecutor's standpoint, this is a new ball game. Now the bribe-giver is the victim of extortion, not a party to the crime. With that tactic, Thompson's office persuaded many tavernkeepers to testify against crooked policemen and convicted dozens, up to one of the highest ranks in the department. A similar approach was successful in persuading real estate developers to testify against city aldermen in zoning case shakedowns.

The immunity question

Interestingly enough, Thompson's use of extortion rather than bribery was such a new idea that even cooperating lawyers were unprepared. In many cases attorneys for tavernkeepers insisted on grants of immunity against prosecution, even though none were needed. This, in turn, produced some challenges in the newspaper columns which implied that Thompson was using immunity to let some guilty people off easy who in turn acted as stool pigeons against their erstwhile confreres. This flap didn't surprise Thompson:

"It was inevitable after Watergate and after vigorous action by prosecutors against official corruption across the country that people would start inquiring into legal techniques they had never heard about before. Before Watergate the only people who knew what immunity was were prosecutors and defense lawyers; in fact, many lawyers don't know what immunity truly is."

It is, of course, simply a system under which a prosecutor asks the court to grant immunity to a key witness in return for his testimony. It gets ticklish in that the key witness, if he or she has any value, is usually also guilty but his or her testimony helps convict somebody else while the witness goes free. Such testimony is often indispensible, particularly in conspiracy cases in which there are no neutral witnesses; but it also carries the potential for abuse.

The statistics of Thompson

Thompson left office before any significant challenge to the immunity provision was raised, but a *Chicago Tribune* reporter, Robert Enstad, did review Thompson's overall record in office. He found that Thompson's overall record of convictions and cases where defendants pleaded guilty was 96.6 per cent in 1972, 93.1 in 1973 and 94.4 last year; a lower percentage than his three predecessors—Democrat Edward V. Hanrahan (later state's attorney involved in the Black Panther shootout), Thomas A. Foran (of the Conspiracy 9 trial fame) and William J. Bauer, now a federal judge. Enstad also produced other damaging statistics: that Thompson's conviction rate in contested cases during 1973 was only 66.6 per cent—considerably below the showing of earlier U.S. attorneys in the office and under the national average (74.9) in federal court cases. Those figures undoubtedly will be debated during the campaign. Supporters of Thompson don't dispute the numbers; they argue that Thompson took on tougher cases, such as police brutality charges and political corruption cases, even though he realized they jeopardized his won-lost record. Thompson himself put it this way: "When you have the complicated cases your statistics will be lower than when you have just routine cases. We never went for the statistics. If you go that route, your law enforcement impact will be zero."

While the statistics of Thompson's office will play a role in the campaign, the statistics that count in politics are the ability of a candidate to draw votes. Political realities came quickly to Thompson in the days following his announcement. In the first two weeks contributions totaled $5,000 in a campaign some experts say may cost upward to $2 million. He found a headquarters at 110 S. Dearborn, a block from his old office in the Dirksen Federal Building. He located—and lost—a businessman as campaign manager and signed on *Tribune* reporter Dave Gilbert as press aide. In time Thompson expects to add a second news person, probably with downstate experience.

I caught up, by phone, with Thompson during those early hectic days. He had assigned his top priorities. One was to get a scheduler to handle the myriad details of a candidate getting acquainted in a hurry. Second was to assemble a working staff. Third was to get acquainted with the public generally; party leaders specifically.

"I've been going downstate and shaking every hand in sight," Thompson said. "I spent eight hours in Ottawa on Sunday; I'm going to Galesburg tonight; got three county fairs next week. I've been to Effingham, I've been to Flora, I've got engagements upcoming in Belleville, Peoria, all over downstate."

Like many politicians, Thompson intermixes "I" and "we." "We've been talking a lot by phone with the county chairmen, central committeemen and political leaders down there (downstate) before we go into an area. They brief us. That's doing it by the seat of your pants, but, at the moment, we don't have much other choice, Eventually we'll have a regional analysis of issues, but at this time it's more important for the research people to be first educating me about issues other than the criminal justice system (his old job) so I know what the hell they're talking about (downstaters) and they know what I'm talking about. Then, after I'm educated, for them to present me with a series of alternatives on what a program should be. Then, when I make my choice, for the staff to research and put me into the best position to present it publicly. That's on statewide issues; once we go through the three phase stage on statewide issues, we'll turn to special regional issues."

The vulnerability of Walker

The big issue, of course, is Dan Walker, The man whose job Thompson wants, and who Thompson thinks is vulnerable. Why? "Because, in broad terms, he hasn't given the state positive leadership. I think he's worn out this image as a fighter, because people are starting to realize that all his fighting with the legislature and everybody else means that government doesn't go forward. Secondly, he's turned out to be something he said he wasn't. He campaigned very vigorously on the notion that he wasn't a politician. Well, he is. And people perceive that. And, whether

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they like politicians or not, they certainly don't like people who claim to be one thing and turn out to be another. And that's a recurring theme I hear downstate, especially among young people."

While the big theme is Dan Walker, it is the little themes which get a politician off the ground, and Thompson—a neophyte at the game—proved a quick study. At the Jerseyville Merchants' parade he was put in a station wagon where, as he put it, "all the people could see was an arm waving." Thompson got out and walked, in plain view of the crowd. Thompson also got a tip from a county fair goer: "This one fellow took pity on me and said I should chat more, ask people their names, take a little time with them. I did and I found out that they enjoyed it more and so did I."

The political game

He also learned a political lesson that few candidates from the Chicago area seem to absorb: an ability to place cities and counties together. He rattles off places he's been without error. That can be quite a trick even for a seasoned pro. For example, he knows the town of Effingham would like to develop Lake Louisville; even more important to downstaters he knows the lake's name is pronounced "Lewis-ville," not as the Derby town in Kentucky is pronounced.

Aside from his on-the-job learning, Thompson has tackled other realities of politics, among them money. "Putting a staff together means we've got to start on fund raising, so we've got the money in the bank to pay them. We're not going to run a deficit campaign. We're going to try every known fund raising approach: two major dinners, one in November, one in March of next year. We'll do direct mail, newspaper solicitation. I'll attend fund raising breakfasts, lunches, cocktail parties, direct mail to people in the business community."

Thompson also hopes to solve a problem that has bedeviled most Republican candidates in the past: how to balance a citizens' group with the regular party organization. In Cook County, that balancing-act may be essential; among the persons indicted by Thompson before he quit was Floyd Fulle, the GOP county chairman in Cook County. And while Thompson says one of the reasons he is running is to help rebuild the Republican party, he built his successful prosecutor's staff on nonpartisan grounds—a followup, Thompson acknowledges, to a start by his Democratic predecessor, Tom Foran. As a result Thompson, as a prosecutor, had fiercely loyal assistants with both Republican and Democratic credentials; whether that loyalty will spill over into a partisan election only the campaign will reveal.

The background of the man

At first glance six-foot-six Jim Thompson looks like a man who should have played football, but much of his growth came while he was in school (Washington University, followed by Northwestern University law school). When he gets a chance, which isn't often, he plays golf, but with a duffer's status. He lives in an old Victorian house which includes a white piano (he used to be pretty good and still can play a few songs from memory). His big hobby is antiques. He was bitten by the bug back in college days when a friend's father introduced him to the hobby; it got lost during Thompson's days as a member of the Northwestern University law faculty and a stint as an assistant state's attorney in Chicago.

Thompson joined the staff of Attorney General William J. Scott as chief of law enforcement in 1969, a year and a half later moved to the U. S. district attorney's office as aide to Judge Bauer. It was during this period that Thompson's interest in antiques was rekindled, primarily because of his vacation trips to a home he has about 30 miles north of Portage, Wisconsin. His parents, Dr. J. Robert, a physician, and Agnes, have another home nearby. (Jim is the oldest of four children, born and raised on Chicago's West Side.)

Thompson has written a number of articles and four textbooks in the legal-law enforcement field, and he keeps up with literature in the field. For relaxation, however, he's more likely to pick up a paperback novel. Before his schedule became so crowded, he used to go to New York City several times a year on vacation and he'd pack in a full schedule of movies and stage plays. Thompson has a tendency toward informality. He's likely to put his feet up on the desk while talking; he'll take an occasional Scotch whisky; drives a Mercedes-Benz.

The big question

Several tests lie ahead for Thompson. He has a tendency to be candid in his comments and less guarded in his dealings with the press than many politicians. It isn't clear, until tested, how he will react to the bitter infighting of politics, particularly when he comes up against Dan Walker, an acknowledged master battler.

Can Thompson defeat Walker?

Thompson is organizing his campaign on the theory that Walker will be his opponent; that the incumbent can beat off any challenge by State Treasurer Alan Dixon, Lt. Gov. Neil Hartigan or any other candidate supported by Mayor Daley. Walker has been under considerable fire from Daley, many members of the legislature and the press. His vetoes also stepped on many toes in recent months. But Walker has long since proved himself a resourceful candidate, capable of turning opposition from Daley and the news media to his own advantage. It is also worth noting that Walker won the original primary in 1972 under similar circumstances—Daley and much of the press favored then Lt. Gov. Paul Simon (now a congressman) and himself considered a liberal, independent politician. Walker wound up winning the nomination by some 40,000 votes. Walker then went on to beat incumbent Republican Gov. Richard B. Ogilvie by 77,000 votes while U. S. Senator Charles H. Percy, a Republican, was carrying the state by more than one million votes, Atty. Gen. Scott by even more and Richard Nixon by 874,000 votes—clearly a Democratic and personal victory for Walker against the GOP landslide.

Does Walker retain that kind of popularity? Can the big man from Chicago win at the ballot box as he has before the jury box? That's going to be the story of 1976 in Illinois.□

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By DAN LOGAN

Dan Walker

The governor relates how his early background and business experience have influenced his style of administration

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GOV. DAN WALKER has had a tremendous impact on the life of every Illinois citizen, and he has done a tremendous amount to communicate that impact through the news media. We know so much about Dan Walker that it's easy to forget what we don't know. There has been scant coverage of his background, his motives, his view from the governor's chair. The following interview was conducted with the intent of presenting some of this information. The interview took place on February 14 in the governor's office in Chicago.

Q: The first 50 years of your life seem to be blank as far as the public is concerned.

A: Yes. I've always been surprised at the lack of perception on the part of commentators and people in the business world and in politics of what my background has consisted of. I really didn't come out of nowhere. I had a good deal of varied experience, a lot of it intellectual. If I pride myself on anything, it is my ability to think; I spent a lot of time honing it.

Q: Let's begin at the beginning. When you were a child, what did you want to be when you grew up?

A: I started out wanting to be a lawyer. It resulted from my father's close association and pride in his brother, a judge in Texas after whom I was named. I continued to hold to that ambition throughout pre-teen and teen. I was interested in government and politics at an early age, and started reading *Time* magazine and the newspaper.

My father was always interested in politics. While an uneducated man, he was a great philosophizer; while not a religious man, an avid student of the Bible who felt that no man should run for public office unless he had read the lessons of the Bible. He was also a great student of Far Eastern philosophies and the intellectual discipline that goes with the thinking of the ancient philosophers of India, China, and so on. He picked this up as an enlisted man in the Navy.

I always worked hard in school. I believed in hard work.

Then I got diverted. World War II came along and I enlisted in the Navy. While I enjoyed it, I did not want to remain an enlisted man, so I took the competitive exams to go to the Naval Academy. Then I decided to make the Navy a career. After spending some time in the Navy, I changed my mind and went back to my original goal, which was the law.

Q: You came to Illinois from California to go to law school at Northwestern. What made you decide to settle here?

A: It was really by accident that I ended up at Northwestern Law School. I'd planned to go to Stanford. But there were mail complications. I was on a destroyer. The only school I was able to apply to was Northwestern. Those were the only papers I got.

My original plan was to go back to California. [Here Gov. Walker explained that his association with several individuals during and after law school got him interested in Illinois politics and he remained here. These individuals, all active in Democratic politics, included Adlai E. Stevenson who served as governor, 1949-53, and was the Democratic presidential candidate in 1952 and 1956, Walter V. Schaefer, formerly a Northwestern University law professor and chairman of the Commission to Study State Government, who was appointed by Stevenson to fill a vacancy on the Illinois Supreme Court and who was subsequently elected and reelected to the court, and Paul H. Douglas, who was U.S. senator from Illinois, 1955-61 and 1961-67.]

Q: How did you first get into politics?

A: Working in the campaigns of Paul

Douglas and Adlai Stevenson. In 1947 and 1948, a group of us revived the Young Democrats, which had been dormant during World War II and thereafter.

Q: That was the first time the Democratic machine coopted independents for important offices?

A: Precisely. Paul Douglas started the independent movement on the South Side years before. But the emergence of those two men, both of whom were highly regarded by the independents, started the independent movement growing. A lot of people like me got interested and involved and went on from there.

Q: Could you tell me about your involvement with the Committee on Illinois Government (CIG) and the Democratic Federation of Illinois (DFI)?

A: After Stevenson was defeated, I got a group together to keep the record on the [William G.] Stratton Administration — the CIG. We did clippings of newspapers, developed position papers, and so on. That was a research group.

Then we felt we needed an action group — so DFI was born. I was the second chairman and the first real president of DFI.

The common thread that runs from 1948 down to the present is that the Democratic Party in Illinois is not responsive to issues, is too dependent on the Chicago organization, and has a closed primary system. I can remember hundreds of conversations about it with people like Jim Otis [Chicago lawyer], Dawn Netsch [state senator] — a whole group who were active in these organizations: "Let's get a good guy we can support and get him nominated." Every time the candidate would get coopted by the Democratic organization by going through slatemaking. We would say the only way we are going to change this is to defeat the organization in a primary contest. But nobody wanted to stick his neck out.

So there's a long background behind my final decision: "Well, I'm going to go out there and do it."

Q: You must have learned a lot about the use of power from writing the Walker Report. [The reference is to Daniel Walker, *Rights in Conflict*, 1968, which Walker in the introduction described as "a graphic comprehensive account of the violence within the parks and streets of Chicago during the Democratic National Convention, August 26-29, 1968."]

A: In a general way, yes. One thing that stands out is how to prepare for contingencies — the very great need for flexibility, one thing the city did not demonstrate in its handling of the convention. A strategic decision was made early on: It's confrontation. And, at no time was there movement to look at alternatives.

I was reminded of the problem in Jack Kennedy's relating how he learned from the Bay of Pigs. It's absolutely necessary for a leader to keep his options open as long as possible. Do not commit yourself to an irrevocable course of action until you absolutely have to. And then, always give the other guy room to get out. Don't pin him to the wall where he has nowhere to go except to engage in confrontation.

Q: You've said you're a fiscal conservative and a liberal on human issues. Where do those positions come from?

A: I come from a Southern family, with all that implies in terms of how I was raised. Self-discipline was something my father was a very strong believer in. Intellectual curiosity was another thing he believed very strongly in. The power of the mind is something I've been hearing about from my father since I was old enough to understand. Add to that a military life, both when I was a kid living on naval stations and in the Naval Academy.

I had a great dissatisfaction with education at the Naval Academy, because of the lack of liberal arts, economics, and history, which by reaction led to a liberal bent in terms of human beings.

We also lived through the Depression, which was felt very much in our family, because my father was out of the Navy and out of work. I was attuned with the New Deal, because it was aimed at our kinds of people.

Going the other way, I have a great dissatisfaction with the way government is able to solve problems. It's been proved so many times over the last 20 years. It drives you in the direction of backing away from government spending.

Q: How about ethics in government? Several Illinois governors — including Dwight Green and Adlai Stevenson — have advocated high ethical standards in state government and separating politics from government. Do you see yourself as coming out of this tradition?

A: No, I couldn't say that. I know nothing about Green. I was not around then.

So far as Adlai Stevenson is concerned — yes, the emphasis is on ethics. But one thing Adlai did not recognize was the extent to which politics is inevitably intertwined with government. You simply cannot separate the two and he kept trying to.

I don't think you can be a successful governor unless you are involved in party politics. There's nothing wrong with that. The Constitution intended it to be that way.

Q: Just before you decided to run for governor, what were your ambitions?

A: This was no hasty decision. It was something I and a small group had been discussing for quite a while. But the opportunity did not appear to be there. It was a matter of timing and of economic opportunity — finally achieving some economic freedom.

Around 1969 I made the decision to forget the whole thing and concentrate on either remaining in corporate law or going back into private practice. Then I changed my mind.

Q: What exactly was your job at Marcor and what have you brought directly from that job to the governor's office? [Marcor is a holding company that owns Montgomery Ward & Co., Inc.]

A: Well, I was general counsel, and was responsible for all the legal policies and law suits of the company. It was a very large law department spread across the United States with regional offices. Then I had governmental affairs, which meant I was responsible for the company's actions in legislation in Washington and in all 50 states.

I also participated on the business side, sitting in on management meetings constantly. At one point the chief executive tried to persuade me to take a line vice presidency and shift over from

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law to the business side. I decided not to, but kept working on that side to learn.

One thing I brought was the ability to reason through a problem and come to a conclusion — the necessity for action that comes out of trial law and the corporate world: "Let's do something, not sit around and argue about it interminably."

There's a very strong belief I have had since I was little — again, my father's influence — that to be a howling success, you don't have to bat .800 or .900. Like baseball, if you bat .500 or even .300, you're a howling success. If you try to get 80 per cent successful decisions, you'll never do it and you'll take too much time. Much better to make a decision and go.

On the business side, an understanding of management by objectives and of budgeting. I told Neil Mehler [*Chicago Tribune* political editor] that, of all the things he has written about me, the one that piqued me was when he said I brought really no knowledge to the budget-making process. I understand Illinois government finance better than most governors because I've had background in corporate finance.

On the political side, the trial law is very helpful. You learn how to handle yourself on your feet, how to answer questions, how to express yourself.

The thing that gives me problems in government is that I have always been accustomed to thinking in a straight line from A to B. "Reason to a result." When you have a meeting to decide something, you sit down, you put your reasoning out on the table, you talk it through with logic, you come to a conclusion. This is the way my mind is structured.

Politics and government just don't work that way. It's hard for me to get accustomed to sitting down with politicians and people in government who have ulterior motives and pressures they don't lay out on the table that don't get taken into account in the verbalizing of the solution to a problem.

Q: Does that explain what the media call your confrontation style?

A: To a degree. But the confrontation most of the media talk about is the inevitable result of the political situation in this state. I'm not accepted as a member of the club in my party or the other party; in my own party the Daley power is so pervasive, and we've had a Republican-controlled legislature for two years . . . .

The only power base I have is people. The only way I can control the total situation is to take my case to the people. When you do that, you frequently end up in a confrontation mode.

Q: How important is your style in dramatizing your leadership?

A: Style is very important, but only so long as it relates to substance. If the substance isn't there, the style may last for a little while — but it's going to fall on its face.

Q: What was the most difficult aspect of the transition from the Ogilvie administration to yours?

A: Turning the departments around. I thought I could do it faster. It takes a while to really understand the interaction between the bureaucracy and policies. It took me a while to understand the relationship between Department of Mental Health operations and community groups, the interaction between the Department of Children and Family Services and private day-care agencies, between the Department of Conservation and hunters, fishermen, conservation groups. I could go on and on.

It's an area where government is totally different than anything else.

Q: Not having ever been governor before, what surprised you most about the job?

A: The difficulty of getting things done.

Also, I'm a little surprised at the preoccupation of the observing media with interaction of politicians to the exclusion of following what is really going on in government. This is true in Washington, too. It is almost as though the executive branch of government below the visible president or governor did not exist — unless there's a scandal.

Now I'm not on this kick of saying the press ought to report more of the good news, because I understand very well the realities of life as far as the reporter is concerned. I'm talking about perception of what is involved there.

I find the executive side of government — the problem-solving side, the management side — entrancing. While to me it is the most fun part of being governor, it is the most ignored part of being governor. It's hard to spend the time on it that you want to, because you are continually dealing with where everybody else is, which is over in this area.

Another thing that continually surprises me, and this is a fact of life: Because politics and government are inevitably interwoven, there is a tendency to always look for the political motive. This has to do with my philosophy of life: I believe that most often the reason why something happened is the obvious reason, the reason your common sense tells you is the reason, not the hidden reason. In reporting on government and politics, they're always looking for that hidden motive, which sometimes is there, forgetting about the fact that in most of the instances the real reason is the obvious reason — the given reason.

Q: In the columns, they write about what might be the reasons, and gossip — what other people think might be the reasons —

A:—where the obvious reason is the one. I vetoed tax relief for the elderly

solely for a fiscal reason — no other reason. In fact, when you stop and think about it, there couldn't be any other logical reason for it, because no politician would ever make that decision unless he was forced to. And yet I read repeatedly, "Walker must have been trying to get back at [Lt. Gov.] Neil Hartigan." That's looking for an ulterior motive which is not there.

[On April 22, Walker signed new senior citizen tax relief bills (Senate Bills 62 and 63) passed April 10 by the 79th General Assembly.]

Q: What's your opinion of the press in Illinois? Has it treated you fairly?

A: Oh, they've been fair overall, as fair as any press could be during the Watergate time. I was talking with the other governors about this in Kansas. Every one of us has the same problem. There has been a great increase in interest in so-called investigative reporting. Investigative reporting, while desirable, sometimes explores a story for the sake of exploring a story. I was impressed by the guidelines laid down by the *Washington Post* to reporters investigating Watergate. Sometimes the zeal to get out with the story means that reporters don't get all the facts together.

Let me give you an example. There was a story where the headlines said, "The chaos in the Department of Public Aid." Well, there were two key facts about that situation. Number one: the story was old; it related back to May of 1974. Two: it followed immediately a fact that was not contained in the article — our taking over the Cook County Department of Public Aid. Obviously, chaos to some degree is a result of that. That was a key governmental fact that the writer of the story completely ignored.

Reporters should perceive some of the realities and get them into the story with the proper exposé of bad government.

There's another fallout of Watergate that has not been written about that is very, very troublesome. All of a sudden the heads of departments on federal and state levels are supposed to be independent of the chief executive. Loyalty is a discredited word. How can any chief executive of any enterprise, be it governmental or private, run that enterprise if he doesn't have department heads loyal to him? His organization will fall apart if they all run their own little duchies.

It really boggles my mind that somebody finds it strange that the assistant to the governor is talking to a director about what he's doing in his department. They label it interference. Everybody says, "Oh, God! What's the governor doing!" He's doing what he should do; he's running government.

This principle that department heads should not be loyal to their chief executive is really going to hurt government. Loyalty can be carried too far. But there must be a team concept, with a leader at the top of the team, to make any enterprise work.

Q: A governor can't do everything. What are your specialties? What do you spend the most time on?

A: Leadership. That sounds obvious, but that's what it is. Making the heads of departments feel I'm setting overall policy they can respond to and I'm watching them enough so I have control over the directions in which they are moving. That's a very difficult art when you have so many demands on your time.

The second one is just problem-solving. There has to be a place where the buck stops. The problems come to my desk and I have to solve them.

The third is relationships with people — media, accountability sessions, press conferences.

The art of leadership is a difficult one. [Drawing on a sheet of paper.] If this is where the public is, and that's movement, a leader who is back here is not a leader. If a leader is right here with the public, he is not a leader. If a leader is way out here, he's going to be so far ahead of the public that he's not going to make progress because people will turn him off. You have to position yourself right about here. You have to know where the public is and station yourself out front so you're advocating direction, but not so far out front that you lose touch with people. That's a very difficult art.

Q: You've probably done more to find out what the people are thinking than any Illinois governor, using some sophisticated methods — accountability sessions, news summaries, a TV news clipping service.

A: Plus polling.

Q: Yes. Has this been a successful communications system?

A: We have done fairly well.

Another aspect of it is internal — how you structure your staff. We're very free-flowing. If I don't have somebody in my office, my department heads and staff guys wander in at will. They are completely free and open. That kind of free-flowing communication and absence of formalized structure is absolutely necessary. Otherwise you find yourself gradually getting out of touch. It has to be a constant fight to keep the willingness on the part of the lowest staff guy to say, "Hey, Dan, I think you're wrong."

Q: Having done a lot of pulse feeling, do you feel you're getting your message across to the people of Illinois?

A: Of course, I don't know the complete answer to that question. I think reasonably well.

I think the public does perceive that I'm trying to lead in making state government more open and honest. I think the public by and large does recognize that I'm holding the line on taxes and trying to control runaway spending.

I base a lot of my reactions on the feel I get from being out there. It's not always in agreement with what I'm doing, but a friendly kind of feeling. As one guy said in an accountability session, "I don't always agree with you, but you're a gutsy guy."

One of my great tests is what people come up and say in my ear. That's from the heart. When they look you in the eye and other people are listening, they'll say one thing, but that guy who comes up and says, "Hey, Dan, right on," or, "You're wrong about that" — he's telling you what he really thinks.

Q: We've avoided talking about the walk so far. I do have one question about it. Was it a physical strain?

A: I made a bad mistake there. I didn't realize what a physical strain it was going to be and I was in pretty good shape when I started.

I also didn't anticipate the psychological strain of staying in a different home every night. You're with people all day, then you come into a strange home, a strange atmosphere, night after night. It's good for you; you learn a lot. But it gets to be a terrific inside strain.

Q: In two years, you went from corporate executive to populist gubernatorial candidate to governor. Was it hard on you psychologically?

A: It has taken time to adjust. But if you believe as strongly as I do in the power of the mind and intellectual discipline — that an intelligent man can adjust himself to a change in circumstances . . . . That's what I did. □

Reprinted from Illinois Issues, June 1975

By JEAN WILLIAMS

Is politics 'for men only'? How women lawmakers react

SPECIAL REPORT

Whatever the fate of the Equal Rights Amendment to the U.S. Constitution, women can and do hold public office. Three articles report (1) on how the 15 women in the legislature regard their role in public life, (2) on the status of women in the executive branch, and (3) on how a legislative commission is seeking to carry out the mandate of the Equal Rights sections of the Illinois Constitution of 1970

JEAN WILLIAMS
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ACCORDING TO most of Illinois' women legislators, women haven't accepted responsibility in the past for their political lives. This fact, coupled with the belief that politics is "men's business," has kept women from actively pursuing elective office.

The 15 women who serve in the General Assembly this session comprise the largest number in Illinois history. Twelve women, or 7 per cent, are members of the House of Representatives; three women, or 5 per cent, are members of the Senate. Obviously, these are rather low percentages of political participation. However, women lawmakers are optimistic that in future elections more women will run and be elected.

With 18 years of service, Sen. Esther Saperstein (D., Chicago) is the "dean" of women serving in the General Assembly. Sen. Saperstein said she has been "a sterling supporter of equal rights all my life." Four years ago she sponsored the controversial U.S. Equal Rights Amendment in the Senate, and she still hopes to see its passage this year. Elected to a Chicago aldermanic post in April, Sen. Saperstein announced in mid-April she was resigning her Senate seat in order to devote full time to her new position, although there was no legal problem as far as the state was concerned in holding seats simultaneously in the Senate and the Chicago City Council. "I am deeply grateful to the President of the Senate, Cecil Partee, who will assume sponsorship of ERA, an issue which must become law and which I will continue to vigorously support in my new role," she said.

Sen. Saperstein said she is "absolutely" certain that women will continue to serve in state government, particularly in elected offices.

Rep. Susan Catania (R., Chicago) agreed. She says, "It's a very bright future. We've got the doors open." She added. "Women have always been discouraged about doing anything in public. Women are simply not supposed to be dealing with people in the 'world'—except, we *are* just as competent."

Sen. Dawn Clark Netsch (D., Chicago) felt that being a woman was a positive, not negative, attribute in seeking office in her district. Theorizing that perhaps the strong, two-party competition in state politics over the generations had created what she termed a "private club atmosphere." Netsch added, "Women were never part of the club. It never occurred to them. The parties were in-grown and potent."

Netsch, an attorney and law professor, felt that because she had participated in male professions most of her life, she preferred not to be "pigeonholed" as a woman. "I'm a person first." Moreover, in regards to women seeking office, the senator remarked, "I will not support a woman just because she is a woman."

Not because of sex

Rep. Betty Lou Reed (R., Deerfield) criticized the media's claim that women had made significant gains in political office in the last election because of their sex. "The women elected in this General Assembly were not elected just because they are women . . . . We probably worked harder and were definitely qualified," Reed said.

Serving her first term in the House, Rep. Helen Satterthwaite (D., Urbana), a natural science laboratory technician, believes women will gradually increase their numbers at the supervisory and administrative levels, as well as in elective office. "We are beginning to gain experience at local levels and will have more qualified candidates to move up

Women in the 79th General Assembly

Senators

Dist.	*Party*	
34	D	Hickey, Vivian V. *Rockford*
13	D	Netsch, Dawn Clark *Chicago*
11	D	Saperstein, Esther *Chicago* (resigned)

Representatives

8	R	Barnes, Jane M. *Oak Lawn*
22	R	Catania, Susan *Chicago*
3	D	Chapman, Eugenia S. *Arlington Heights*
41	R	Dyer, Goudyloch *Hinsdale*
31	R	Geo-Karis, Adeline Jay *Zion*
48	R	Kent, Mary Lou *Quincy*
3	R	Macdonald, Virginia B. *Arlington Heights*
32	R	Reed, Betty Lou *Deerfield*
52	D	Satterthwaite, Helen F. *Urbana*
57	R	Stiehl, Celeste M. *Belleville*
6	D	Willer, Anne *Hillside*
57	D	Younge, Wyvetter H. *East St. Louis*

the ladder." she said.

Rep. Celeste Stiehl (R., Belleville), who was appointed to an assistant minority leader post, a "first" for a woman in the House, remarked, "It's an exciting time for women at all levels of government. There are definitely more women in office. Look at the school boards and city and township offices."

A lawyer and the first woman elected to the General Assembly from Lake County, Rep. Adeline Geo-Karis (R., Zion) observed, "Women have not been allowed to proceed in the educational, professional, and business world." But, she said the situation was changing. A supporter of the Equal Rights Amendment, Geo-Karis hoped that passage of the proposed Twenty-Seventh Amendment would enhance the status of housewives, in particular. Currently, she said, "Our laws don't recognize the many contributions that women make in our homes."

The woman's viewpoint

In contrast to the belief that more women would be elected in upcoming sessions, Rep. Reed speculated that the ratio of men to women in office would probably not change significantly. She reasoned, "A percentage of women are interested in gardening and the arts. I don't think it's every woman who is interested in politics and campaigning." Sen. Saperstein argued that women bring viewpoints, attitudes, and feelings to the General Assembly which are in contrast to those of men, adding, "Women have greater insight into human needs."

Iterating the belief that women legislators have a different perspective than men legislators, Rep. Eugenia Chapman (D., Arlington Heights) stated, "The experience of women, as such, is different. Women are more concerned about other people."

Even though Rep. Chapman hesitated in making generalizations about major differences between men and women legislators, she stressed that old myths such as, "Men think; women feel," were just not true. "People are individuals. Different people respond in different ways."

Rep. Catania, a chemist, mother of five daughters, and youngest of Illinois' women legislators, stated, "Because of our culture we have more knowledge of consumer, education, and health problems . . . . Women are more intuitive than men, more empathetic, especially when dealing with constituents."

An opponent of ERA, Rep. Mary Lou Kent (R., Quincy) admitted that women do bring a different attitude towards government. "We are involved in the work. Women take it more seriously, the research and work."

Other women legislators mentioned that members of their sex seemed to have more faith in human nature, greater insight into human needs, and an altruistic outlook. Women accord governmental services such as education, public aid, and mental health, a higher priority than roads and buildings. An important difference between men and women legislators to Sen. Vivian Hickey (D., Rockford) is the idea that "men see officeholding as an adjunct to another professional career. It's nice not to have the pressure of wanting to build a lifetime career."

Repeating this idea in a slightly modified mode, Rep. Reed replied, "I am a legislator 18 hours a day, 12 months a year. My male colleagues don't have different attitudes than I, but because they are breadwinners, they must pick and choose how to make a living. They must have another job. Luckily, I don't have to."

Rep. Goudyloch Dyer (R., Hinsdale) concurred with her colleagues by adding, "There's an invisible shield, a stigma attached to being in politics. But, it's really fun and respectable to be involved. And that's why more women will have a more important role in the future."

What led to politics

Indeed, if women have a different motivation for seeking political office than their male counterparts, why do they choose to compete in a profession which is male-dominated? The answers, of course, are as varied as the individuals themselves.

First, the political activity of many of the women often led them to running for office themselves. At least 10 of the 15 legislators were former members of the League of Women Voters and had participated voluntarily in political campaigns and in promoting local issues.

Secondly, many of the women were encouraged by friends or their political party to seek office. Representatives Virginia Macdonald (R., Arlington Heights) and Anne Willer (D.,

Hillside), for instance, were elected in 1968 as delegates to the Constitutional Convention.

After Rep. Macdonald's experience as a "Con Con" participant, she concluded, "I felt a kind of seriousness was lacking among some of the delegates, and I felt women in the legislature would be an advantage."

Newly elected, Rep. Jane Barnes (R., Oak Lawn) said, "I've always had an interest in good government." She and her family grew together, politically, in an atmosphere where political issues were hotly discussed at the dinner table.

Rep. Geo-Karis said that having been born abroad and then given many opportunities as a citizen of the United States made her feel that she owed something to this country and to the people of her district. Echoing a similar reason for seeking office, Rep. Catania remarked, "I thought I could do a better job than was being done for the people in my district, a job which was useful and paid a good salary."

The women legislators are definite about wanting to accomplish certain goals in this session. Economic conditions, consumer affairs, energy resources, housing, and funding of education are concerns most often mentioned

Support from families

How do the husbands, families, and friends of women legislators react to their being involved in politics and government? Unequivocally, each of Illinois' women representatives and senators agreed that the supportive attitudes of their families and friends were extremely important, even essential.

"You have to be adaptable and flexible," said Rep. Chapman. "At first it was kind of a mixed feeling. Sometimes, I wash clothes at two in the morning." Another late evening task, Rep. Reed recalled, was finishing a dress for her youngest daughter. "There I was at the State House Inn at two in the morning hemming a skirt for the prom."

Rep. Catania, who hires two housekeepers to help manage her busy household, said that her daughters enjoy their mother being a representative. "I believe it's important for children to have a stable household, but it's not imperative that I am the one providing that atmosphere."

Ranging in ages from 33 to 71, most of the women in the General Assembly have offspring who are grown and are not living at home. "They've cut their teeth in politics," said Rep. Macdonald, referring to her children. Some of the women reminisced that their husbands were skeptical, at first, about their wives running for office; however, they later found the men to be their greatest boosters.

What character traits should women possess to compete for political office? Sen. Hickey answered by saying, "Women should be willing to lose an election, and be willing to accept no favors and ask no favors." Rep. Macdonald said, "If you have genuine interest and time to give and ability to devote to the job, you should run for office." Tenacity is what is needed, said Rep. Reed. "The political person is gregarious and interested in problems. In politics, all people are of the same breed," she added.

Rep. Kent felt that women sometimes focus on too specific an interest or cause. To be in politics, Rep. Kent advised, "Women should have well-rounded experiences. Women are going to have to become more versed in overall things." Rep. Chapman summarized her beliefs in this manner: "Men are qualified for office, per se, because of their sex. Why not women? We expect more of women." Rep. Satterthwaite listed several qualities which she believed women should possess: "Lots of stamina; some tact, but some aggressiveness so as to allow them to be assertive when necessary; a voice that projects well in group situations; and financial security, perhaps not necessary, but certainly helpful."

Definite about goals

Although they were uncertain about their political futures, and the possibility of seeking higher office, Illinois' women legislators were definite about wanting to accomplish certain goals in the 79th General Assembly. The economic condition of the state, consumer affairs, energy resources, housing, and funding of education were concerns mentioned most frequently by the women.

Sen. Saperstein, conscious of the need to hold spending down, said, "We need greater surveillance of state institutions to make sure they are providing services to meet people's needs." Two important goals to Sen. Hickey focused on helping the economically disadvantaged citizens of the state. "I would like to see tax incentives passed to encourage rehabilitation of old housing, and I want to get the sales tax off food and drugs," she stated.

Calling attention to the fact that there are pockets of unemployment in her district which run as high as 30 to 40 per cent, Rep. Catania is carefully studying Gov. Dan Walker's proposed accelerated building program and its subsequent impact upon jobs. "If the program only creates jobs for middle class whites then I'm not for it. Equal dignity and rights for everyone start with economic dignity."

Was Jefferson wrong?

The only Black female in the General Assembly, Rep. Wyvetter Younge (D., East St. Louis), is serving her first term. She is deeply concerned with the rising unemployment in her southern district. She, too, is vitally concerned about jobs for her constituents.

Almost two hundred years ago, Thomas Jefferson wrote, "Were our state a pure democracy, there would still be excluded from our deliberations . . . women, who, to prevent depravation of morals and ambiguity of issues, should not mix promiscuously in gatherings of men."

Today Illinois' women legislators have the opportunity to share in fundamental decision-making which affects the lives of both men and women in their districts. Individually, and collectively, they also have an opportunity to establish the kinds of leadership roles that other women seeking political office might emulate. □

By SHEILA D. GAUGHAN

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Women in executive branch earn less than men at same level

IN THE EARLY fifties when Gov. William G. Stratton named Vera Binks to be director of the Department of Registration and Education, she became the first woman in Illinois history to hold a cabinet post. Since then every governor has named at least one woman to direct a code department. Two women have been nominated by Gov. Dan Walker: Dr. Joyce Lashof to head the Department of Public Health and Mary Lee Leahy as director of the Department of Children and Family Services.

Although executive positions in state government are no longer the exclusive domain of men, it is clear that women in the highest executive positions are still the exception rather than the rule.

No executive women elected

Illinois has a "long" ballot and elects six persons to executive branch positions, yet none of these positions—governor, lieutenant governor, secretary of state, attorney general, comptroller and treasurer—has ever been held by a woman. Prior to the ratification of the 1970 Constitution, Illinois voters elected an auditor of public accounts and a superintendent of public instruction. No woman was ever elected to either post. Of course, the situation is the same in other states, although Connecticut recently elected a woman governor, and in California a woman serves as secretary of state.

But many factors must be taken into account before a fair appraisal of the status of women in state government can be made. The salaries women are paid is perhaps the surest indicator of their status in state government. Women in Illinois government, whether or not they are in policymaking positions, consistently earn less money than the men who occupy similar positions.

A check of the comptroller's list confirms that in all but salaries fixed by law, women are paid less than men. A look at the 10 highest paid persons in the executive branch drives home the point. Excluding the elected officials, itemization of the "top 10" wage earners in the executive branch finds that (in round numbers) one earns $50,000; one $48,000; four $45,860; and four $44,000. All but one are men.

Until the latter part of 1974 when the 78th General Assembly enacted a pay raise for cabinet level officers, no woman in the executive branch was earning as much as $40,000 per year. Now the director of public health has the double distinction of being not only the sole woman among the top 10 wage earners, but also the only woman out of approximately 40 persons in the executive branch who earns a salary in excess of $40,000.

Disparity in top salaries

Excluding Dr. Lashof, the top 10 female wage earners in the state's executive branch earn the following salaries: (again, in round numbers) $39,000; $38,330; $38,000; $37,270; and six at $35,480. Although only about 40 women earn salaries ranging from $30,000 to $40,000 per year, more than 350 men are in this salary range. In the category of those earning $20,000 or more per year, the disparity is even more obvious. For while 3,000 men earn annual salaries at this level, only about 260 women exceed this figure.

An examination of salaries under the jurisdiction of each elected executive branch official would appear to indicate that significant numbers of women do not have policymaking roles. In the eyes of their co-workers, however, many women do appear to play a major role in making policy. If this is true, then the plain fact is that women policymakers do not receive salaries equivalent to their male counterparts. Using the threshold figure of $20,000 one finds relatively few women in the jurisdiction of each elected official. For example, neither the lieutenant governor nor the treasurer have women in their offices who earn more than $20,000. However, both of these elected officials employ relatively few persons who are paid more than $20,000. The lieutenant governor has a total of four persons, the treasurer a total of nine. The attorney general and the comptroller each have one woman who earns $20,000 out of a total of 40 persons in this category. The secretary of state has nine women in his agency who earn $20,000 or more out of a total of 116 persons who top this figure. In each office, the percentage of highly paid women is less than 10 per cent.

Health, social welfare fields

In the agencies under the governor, women who earn more than $20,000 are employed most frequently in agencies related to the so-called women's fields of health and social welfare. Both of Gov. Walker's woman code directors are in this area. The pattern continues in positions below cabinet level. In the Department of Public Health about 40 women earn $20,000 or more out of a total of 125; in Children and Family Services the figure is 12 out of 86; and in the Department of Mental Health, 114 out of approximately 900. But in the traditionally male-dominated fields such as finance, building, and construction there are virtually no women at high salary levels. For example, there are fewer than 10 women in the Department of Transportation out of a total of more than 550 persons who earn more than $20,000 and there is only one woman in this category out of 50 at the Capital Development Board.

Even this very brief look at the executive branch indicates that despite the strides being made by women in some areas of employment and the rise of individual women to high paying positions, state government in Illinois is still basically male-dominated. □

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By MARGARET COWDEN

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Computer used to search out sex discrimination in laws

THE BILL of Rights of the 1970 Illinois Constitution guarantees equal rights to the women of this state. Whether or not the Equal Rights Amendment to the U.S. Constitution is ratified, the women living under Illinois' law are guaranteed equal protection and may not be discriminated against, according to the state Constitution.

"The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts" (Art. I, sec. 18, 1970 Constitution).

"All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property.

"These rights are enforceable without action by the General Assembly, but the General Assembly by law may establish reasonable exemptions relating to these rights and provide additional remedies for their violation" (Art. I, sec. 17, 1970 Constitution). Equality is the law of the state, if not the law of the land. The constitutional directives are quite clear for Illinois. But, the old laws must each be changed by the General Assembly to provide equal status to men and women.

The Illinois Commission on the Status of Women has prepared 55 equal rights bills, and the commission's Legislative Action Committee has located and reviewed laws which perpetuate sex discrimination. Programming a computer to locate sex related words, the laws appearing in the *Illinois Revised Statutes* were run through the computer. Statutes with sex related words were then reviewed for needed legislative change. The deletion or addition of a word or two is often all that is needed to benefit men and children, as well as women.

For example, one section of the statutes reads, "The marriage of a female ward terminates the right of her guardian to her custody . . . ." By deletint the word "female" and using both "his" and "her," protection is extended to males (Chapter 3, section 312). Equality of law can be highlighted in the statutes dealing with aid to dependent children, charities and public welfare. Substituting "parent" for "mother" in the sentence "contributions made for the benefit of the mothers . . ." extends coverage to fathers (Ch. 23, sec. 4-1.6). Motherless and fatherless homes are facts of life; children of both equally require assistance. "There shall be no discrimination or denial of financial aid and social services . . ." (Ch. 23, sec. 11-1), and in the list of reasons following this statement, sex would be included as a reason for nondiscrimination.

Few women engaged in public affairs have not felt the sting of humiliation when passed over for board or committee appointments. In Chapter 19 there are 17 sections where discriminatory language exists. For example: ". . . men of recognized business ability . . . ." Again, in Chapter 24, section 9-1-4, under boards and committees on local improvements, representation is called for from ". . . experienced and capable men of good character . . . ." What about experienced and capable women of good character? Many boards and committees have long been exclusive male preserves; a change in the law will not throw open the doors to women, but it will make their crossing the threshold a legal step.

At present, mayors may call only on men for aid in enforcing laws and ordinances (Ch. 24, sec. 3-11-4). Men only may be commanded to aid police officers and be exempted from civil liability in performance of this duty (Ch. 38, sec. 107-8, a, b, c). As the law stands, sex is not included as a discriminatory practice to be investigated and acted upon under the Division for Enforcement of Civil and Equal Rights under the attorney general's office (Ch. 14, sec. 9).

It is impractical to list all the equal rights legislation currently under consideration. Other legislation will deal, for example, with the reality that some veterans are females, and the opening of specialized educational institutions to women. State marriage laws use the word coverture which implies taking care of the female by the male. Bills have been drafted to change the word coverture to marriage. An amendment to the Fair Employment Practices Act is being reintroduced, providing Fair Employment Practices Commission with initiatory powers and expansion of jurisdictional coverage.

How successful have equal right advocates been in the past? In the 78th General Assembly, Public Act 78-1129, providing for survivor's benefits for spouses, rather than just widows of governmental employees, is now law. P.A. 78-861 amended the Wrongful Death Act in a similar manner. Discrimination on the basis of sex or marital status in the issuance of credit cards is prohibited by P.A. 78-839. The Mechanics Lien Act was revised to give the same right to a married woman as the act previously provided for the husband (P.A. 78-846). The University Civil Service System Act was amended to prohibit discrimination in employment on the basis of sex or national origin (P.A. 78-842). The requirement that the Illinois Department of Labor maintain separate rooms for the use of women registering for jobs was eliminated by P.A. 78-845. Substitution of the word "individual" for "minors" or "married women" amended the act permitting investments by married women (P.A. 78-841). Discrimination in employment under contracts for public buildings and public works is prohibited by P.A. 78-848. These are only a few examples of equal rights legislation which have become law in Illinois. In the 1973 legislative session, out of 39 legislative proposals pertaining to the elimination of sex discrimination, 22 were approved and sent to the governor. □

MARGARET COWDEN
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Phyllis Schlafly says American women are the 'most privileged in the world' — without the ERA

ONE LIBERAL feminist magazine sneeringly called Mrs. Phyllis Schlafly of Alton "the sweetheart of the silent majority." Despite the source of the jibe, the name may stick with the trim blonde mother of six and leader of the national "Stop ERA" movement.

Phyllis Schlafly has a national following and a national podium in her segment of the CBS Radio Network's "Spectrum" program, broadcast 18 times weekly, but her base of activity is the quiet little Illinois town of Alton, some 25 miles north of St. Louis. Mrs. Schlafly was born there, 50 years ago. From her elegant Tudor mansion in Alton's exclusive Fairmount Addition, she orchestrates her campaign to defeat the ratification of the 27th Amendment to the U.S. Constitution, commonly referred to as the Equal Rights Amendment. But Phyllis Schlafly's reputation is hardly built on just that one issue. In the past decade, the woman who was once known around Alton simply as the wife of attorney J. F. "Ted" Schlafly and a hard-working Republican partisan, has emerged as one of the most vigorous conservative voices in America.

Apple pies for votes

In 1964, she wrote the pro-Goldwater book *A Choice, Not An Echo*. She has written five other books, run twice unsuccessfully for Congress and, since early 1973, campaigned nearly fulltime against the Equal Rights Amendment.

Her "Stop ERA" work, which she says is financed solely by the sales of her "Phyllis Schlafly Reports," a monthly newsletter produced from her home, has taken her to virtually every state in which the ERA has been debated, including frequent trips to the Illinois Capitol at Springfield. At the Capitol, she has led other women in passing out apple pies to legislators and reporters to emphasize the type of activity in which, she feels, women should be engaged.

Mrs. Schlafly, who has a master's degree from Harvard and bachelor's from Washington University in St. Louis, could easily spend her time in social and philanthropic endeavors in Alton, but the forceful articulation of basic conservative tenets has led her quickly to the forefront of reactionary politics in America. She has never held public office, but her effect has been felt at the highest levels. Her Goldwater book was considered by many to be the manifesto of the 1964 GOP campaign.

Mrs. Schlafly calls American women, without the ERA, "the luckiest and most privileged in the world. It is a wonderful right that a wife be provided with a home by her husband. There are always going to be women," she said, "who can sweet-talk their husbands into doing nice things for them. But they would have no legal rights [to support] under the ERA."

Radio audience of five million

In addition to her presentations at rallies and before legislatures around the country, Mrs. Schlafly reaches an audience estimated by CBS at five million with her radio reports. She has also been a controversial guest on the NBC-TV "Today" show and the nationally syndicated TV show "Not For Women Only." On one "Today" appearance, in October 1973, Mrs. Schlafly contended that the ERA-type provision in the Pennsylvania Constitution was taking away from women the right to support by their husbands. Kathleen Herzog Larken, deputy attorney general in Pennsylvania, responded with a letter to NBC in which she said Mrs. Schlafly's allegations were "a serious misstatement of the law of this state. Mrs. Schlafly's incorrect misrepresentations have created a great deal of confusion and misunderstanding among the women of this Commonwealth. This inaccurate presentation of the effects of the Equal Rights Amendment legislation is detrimental to the efforts which this state has taken to insure full equality under the law for all its citizens."

Not yet attacked state Constitution

Illinois' Constitution also contains wording very similar to the proposed U.S. Equal Rights Amendment, but Mrs. Schlafly has not yet attacked it. Her own Illinois, which in 1974 refused to ratify the federal amendment, has embodied within the 1970 Constitution wording which grants the same freedoms and responsibilities as the proposed amendment to the U.S. Constitution. The proposed federal amendment reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." In the Illinois Constitution of 1970, Article I, Section 18 reads: "The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts."

Mrs. Schlafly has called ERA advocates "those bra-burning nuts," and, "they're basically just a group of unhappy women." Legislators who dare to vote to ratify the ERA are "against motherhood." Because of such attacks, plus personal visits to state legislatures and the buttonholing of conservative politicians at all levels, "we've stopped the momentum for passing ERA," Mrs. Schlafly said.

WILLIAM McFADIN
A political writer for the *Alton Telegraph*, he has had the opportunity to observe Mrs. Schlafly's activities both in Alton and in the Capitol. He is a graduate of Southern Illinois University.

By WILLIAM McFADIN

The small town of Alton is one of the pivot points in the national anti-ERA movement. Its most famous resident thinks that the momentum for passing the ERA amendment has been stopped

Indeed, the early rush to passage, with six states ratifying the amendment within 48 hours after passage by Congress, has subsided. Advocates and foes alike admit it may be hard to get the full 38 states' ratification by 1978 as required.

While Phyllis Schlafly cannot personally take all the credit (or blame) for that slowing action, she has been the single most important individual involved in trying to stop passage of the amendment. Two other nationwide anti-ERA groups have also sprung up — HOW (Happiness of Women) and AWARE (American Women Are Richly Endowed) — but both followed the trail-blazing "Stop ERA." While imitation may be the sincerest form of flattery, there is a cold, hard respect for Phyllis Schlafly among the "opposition" — groups dedicated to seeing the ERA passed.

Pat Keefer, chief national strategist for one such group, said she and other pro-ERA leaders take very seriously Mrs. Schlafly's stand on ERA and the following she is able to muster. "We're taking each of her arguments and answering them one by one," Miss Keefer said in a recent interview. Among the states left to ratify the ERA, Miss Keefer concedes that Illinois, a pivotal state in the fight, "is going to be difficult." Illinois is the largest state in which ERA still has a chance and the one closest to passage in the new 79th legislature. In 1974, the measure passed both houses, but by less than the three-fifths margin ruled necessary by then Senate President William Harris (R., Pontiac), and then House Speaker W. Robert Blair (R., Park Forest).

Criticized as hypocrite

Phyllis Schlafly has become so identified with the movement to defeat the Equal Rights Amendment that attacks by pro-ERA speakers and writers often turn into personal attacks on her. One such line of attack argues that her own brand of woman-on-the pedestal philosophy does not square with her media activities nor with her frequent trips to political meetings and legislatures. Her critics point out that Mrs. Schlafly is just as immersed in her career as most ardent feminist leaders are in theirs. In short, she is accused of being a hypocrite who preaches the stay-at-home life and practices something quite different. "Ridiculous," she counters. Mrs. Schlafly says she combines career and home by carrying on the majority of her work from her home, spending an average of one day a week out of town and regularly arising at 6:45 a.m. to make breakfast for her husband and six children.

Former gunner

Mrs. Schlafly's foes argue that poor women are most likely to benefit from passage of the ERA, and that Mrs. Schlafly, a fairly wealthy woman, cannot truly relate to them. Her simple response is: "I was a gunner and a ballistics technician," working her way through Washington University by working in the U.S. Army's St. Louis Ordnance Plant during World War II, test-firing rifles and machine guns during a 48-hour work week. Mrs. Schlafly also notes that many pro-ERA women are business or professional women "who never lifted anything heavier than a coffee cup."

Supports Reagan for President

Fighting ideas she calls "radical," such as the ERA, is not at all out of character for the arch-conservative housewife. In addition to her book praising Goldwater, which many feel was a significant influence on the 1964 Republican National Convention, Mrs. Schlafly has recently spoken in support of fellow-conservative Ronald Reagan for President. She was also reportedly tied to a conservative 1968 campaign group called "Americans for Law and Order," and has pointed opinions on a variety of public figures and topics. Henry Kissinger, detente, George McGovern and defense spending have all elicited strong statements from her.

On Kissinger, she has said, "I called attention to the emotional nature of his press conference in Salzburg" where the secretary of state threatened to quit if his name were not cleared of charges of wiretapping. She was impressed with the fact that Kissinger was trembling and "has his finger on the nuclear trigger."

On dentente: "I think detente is a fraud. The Americans are very much a live-and-let-live people, but the Soviet Union is spending at least 40 per cent of its gross national product on weapons."

McGovern: "He would have dismantled our defenses even faster."

Defense expenditures: "At the present time, they are the smallest since the 1930's, about six per cent of our gross national product. I think we ought to spend whatever is necessary to regain our superiority."

What's next for the former gunner who still shoots from the hip? (lip?) She says that once the ERA is permanently defeated, she will work on a book detailing the federal government's defense expenditures. "That's my bag," she says. "But until I'm convinced that the ERA is dead, my work on defense spending will have to wait." □

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By J. M. (MIKE) LENNON

Mary Lee Leahy — lawyer, environmentalist, politician, agency director

This article presents an introductory biographical sketch of Mrs. Leahy followed by an interview with her focusing on the problems and challenges of the Department of Children and Family Services

THE WOMAN appointed by Gov. Dan Walker to stabilize one of his most troubled code agencies has been a principal in several of the most crucial and complex events of recent Illinois political history. Mary Lee Leahy, 34, was named director of the Department of Children and Family Services (DCFS) on August 14, 1974, replacing Dr. Jerome Miller. Mrs. Leahy was well known to the public before she was assigned to pull together the agency, but it is hard to say which of her previous activities gained her the most prominence.

In 1972 she and her lawyer husband, Andrew, served as two of the counsel to Chicago Alderman William S. Singer's delegation to the Democratic National Convention. Mayor Daley's contingent was unseated by Singer's independent Democratic group and the Leahys were part of the legal team that argued the case. Ultimately the case was decided successfully before the U.S. Supreme Court. The struggle, which gained her a lot of press coverage but no influence with the state's regular Democratic organization, is not mentioned in Mrs. Leahy's official biographical sketch.

What *is* highlighted in the sketch is her role as a Constitutional Convention delegate in 1970. After winning a close race for a convention seat against an organization Democrat, Mrs. Leahy became the prime mover in the effort to include an environmental rights article in the Constitution. She argued that "unless we solve the problems of the environment, we won't be around in fifty years to see the results of the solutions to other problems." Mrs. Leahy was named the outstanding woman in intercollegiate debate in 1962 by the *Saturday Evening Post*, and her disputational ability was powerful enough to gain the convention's acceptance of the environmental article.

After the convention, Mrs. Leahy ran for alderman in the 7th Ward of Chicago against Republican incumbent Nicholas Bohling. With some help across party lines from the regular Democratic organization, Bohling defeated Mrs. Leahy in a close race. Mrs. Leahy says, "People say that their votes don't count, but I know personally that one vote can make the difference between winning and losing." Bohling won by about one vote per precinct, which was exactly the margin Mrs. Leahy won by in the Constitutional Convention race.

The expertise on environmental matters she displayed at "Con Con," and her independent Democratic stance, led to her appointment by Gov. Walker as director of the state Environmental Protection Agency (EPA) in January 1973.

But in the minds of the Daley Democrats in the Senate Mrs. Leahy's environmental acumen was cancelled out by her independent Democratic affiliations. Thirty votes are required for the 59-member Senate to confirm an appointment, and Mrs. Leahy got only 18 votes when her name came up (4/26/73). All but a few Chicago Democrats and many Republicans sat silent, and so after four months as head of EPA, Mrs. Leahy was out. Until her appointment as director of DCFS in August of 1974, Mrs. Leahy served as liaison for the governor with a number of code departments. The Leahys have lived in Springfield with their two daughters, Anna Marie, 9, and Bridget, 7, since the beginning of the Walker administration.

Mrs. Leahy was awarded a B.A. in history in 1962, graduating first in her class of 2,000 from Loyola University in Chicago. She was a Fulbright scholar at the University of Manchester in England where she received her M.A. in political science in 1963. After earning her law degree from the University of

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Chicago in 1966, she practiced law in Chicago and successfully argued cases affirming the constitutional rights of public employees.

At the conclusion of the following interview with Mrs. Leahy she explained to me that the plaque behind her desk was a reproduction of the court decision of one of these cases, *McLaughlin vs Tilendis*, the case that established the constitutional right of public employees to organize for collective bargaining.

Mrs. Leahy's responses to my questions were rapid and precise. One gets the feeling in talking to her that there is little wasted energy in her activities, that she maximizes her effort in whatever she does. She is a petite women physically, but her speech and accompanying gestures are quite forceful and assured. The following interview, which focuses largely on DCFS, was conducted February 7 in Mrs. Leahy's office in Springfield.

Q: How would you describe the administrative environment of the Walker administration? How much discretion do code agency heads have? What is the mood, the tempo, the communications, etc.?

A: From my experience, directors have just an enormous amount of discretion. Although I'm not too familiar with prior administrations, I don't think this was the predominant tone with them. The directors reach an overall agreement with Gov. Walker on goals, so that the objectives that I have set forth for this department really constitute an agreement between myself and the governor.

Q: You did that when you started — when you took over the agency?

A: Well, it took me a little time, and I inherited the foundations for some of them, but in terms of being told to do something, no, I've never had that experience.

Q: How about contact with the governor? Are communications easy?

A: Oh yes, incredible, I think. When I was in the governor's office and I felt that something was important enough to bring to the governor's attention, there wasn't a time when I could not talk to him immediately — no matter where he was.

Q: Can you give an idea of the size of DCFS operations? What is the total number of foster children?

A: The approximate number of children in our custody or guardianship is presently just under 28,000 children; 11,000 of those 28,000 are in foster care. About 3,000 of the 28,000 children are in institutional placement and there are about 1,200 in the Independent Living Program.

Q: How are children and families referred to the department?

A: There are many ways in which family problems and potential or actual child abuse and neglect situations are brought to our attention. Cases are referred by police, school officials, relatives, neighbors, doctors and medical personnel, and public aid workers.

Of course, besides helping family and children in their own home or with some type of substitute care, we also operate a number of programs for the physically handicapped. These range from the state home for veterans, their wives or widows, to counseling and instruction of blind persons in their own homes. We also operate the state schools for blind, deaf and crippled children. These schools serve children whose handicap is such that they cannot receive an adequate education in regular schools.

Q: How are handicapped children referred to these programs?

A: There are eligibility requirements, and parents apply just like they would apply to any school. Of course, application is not made until the local school indicates it does not have the necessary program. Our area offices also refer children and other departments refer children. There are a multitude of entry points.

Q: What is the size of your staff now?

A: I think it is just between 3,100 and 3,200, about half in the institutional area and the other half in the child welfare area. We do have a couple of other programs which don't fall into either category. One is our funding of day-care activities through the Office of Child Development, an office within this department. We also license all child welfare agencies, foster homes, all adoptive homes, all day-care centers, day-care homes, all group homes — in all of these areas we have the licensing responsibility.

Q: How would you characterize the morale in DCFS right now?

A: I sense it varies from area office to area office. I think our morale downstate is coming around. I think that we have seen some problems get solved in the last couple of months. I'm not so sure about Cook County, but I hope within the next few months that it will begin to turn around too. There are particular problems in Cook County that I think need to be solved, but I'm not so sure that it isn't just sheer size that makes those problems inevitable. I think we've pinpointed some problems now. We're going to make a real intensive effort in Cook County.

Q: This leads to a further question. I just read your statement in the latest Illinois Welfare Association News *(Jan. 1975) where you outline three major areas of activity for DCFS, namely, reorganization of the central office, regulation revision and payment of private agencies. Was the reorganization of the central office related to the morale problem?*

A: Yes. I think there was a kind of game going on. You had a problem out there in an area; you called various people and may not have always gotten the same answer. What I've tried to do is to identify those persons responsible for particular areas. For example, I have appointed one person to be responsible for tracing late payments and the reasons why, etc. Now we've gotten the word out to the areas and everybody calls this individual with late payment problems. This is the kind of thing that I was attempting to do regarding central reorganization: identify persons responsible. I have also created the Division of Planning, Research and Evaluation to work on this kind of problem.

Q: What new programs are underway in DCFS?

A: There is the Subsidized Adoption Program. It enables people who never thought they could adopt to do so, and it also enables children who couldn't be adopted before to be adopted. A good example would be a child that has a lot of physical handicaps and may need extensive surgery right up to the time the child is 21. The department can agree to pick up that medical expense. Many, many families just could not take on a child that would have thousands and thousands of dollars of medical expenses.

Q: How many adoptions is the department involved in each year, roughly?

A: I believe the total last year was over 1,200. But we have a lot of children available for adoption. We do not have infants available for adoption, but we have a lot of older children available,

handicapped children available, minority children available for adoption. The department has made the decision that in some cases brothers and sisters must not be separated, so we have children available for adoption if you take them in twos and threes.

Q: Even in threes?

A: Yes. I think the other day we had a case where it was six.

Q: Let me just change the pace here and ask a different kind of question. Has your legal training been valuable at the agency?

A: If you think about the fact that 80 per cent of the 28,000 children come to us by court order, and if you consider the kinds of issues that are involved in that — well, I'm constantly working with legal matters. We sign well over a hundred contracts with private residential agencies, and we're going to be getting into contract negotiations around the programs with those agencies, and there the legal experience is invaluable. I also think that if a lawyer is well trained, language and the meaning of language become very important, and I have found that very helpful. There is a different language many times in the social work field. To give you an example, I have found out that when a social worker says, "I suggest," it is a polite way of saying, "Do it." When a lawyer says, "I suggest," he or she usually means, "You can do it or you don't have to take my advice." I have tried to understand their language and make my own clearer.

Q: Many authorities on social services believe the longer the child is in an institution the more likely he is to stay there. Do you accept this theory?

A: Let me back up. The department's primary goal must be to give children as permanent and homelike a setting as we can. When the department intervenes it's at the time of crisis, and we should try very hard to keep the family together during that time of crisis. Homemaker's services, day care for the kids, a big brother or big sister — you know, support, counseling, whatever. If the child must be removed, we have to look at what this child needs right now, what's best for him. For some children institutionalization is what they need at that point in time. We ought to be very clear that (and this is something that I have just put into new contracts) when we ask an agency to take a particular child into its institution there must be a plan, an agreement worked out around that child in that agency, so that the case is reviewed, say, every 90 days to see how far along the child is. I'm trying to put together information on how long children are staying in institutions because I think this is much more meaningful than the gross number of institutionalized children. If you've got 3,000 children in institutions, but their average length of stay is two months, that's very different from 3,000 children whose average length of stay is 18 months.

'When a social worker says, "I suggest," it is a polite way of saying, "Do it." When a lawyer says, "I suggest," he or she usually means, "You can do it or you don't have to take my advice." I have tried to understand their language and make my own clearer'

Q: What is the present availability of foster homes in Illinois?

A: We are actively seeking them in certain categories. I don't think there's an area in the state that doesn't have a need for specialized foster parents — people who will take on troubled teenagers or physically handicapped or mentally retarded children. Unless these specialized foster parents are available, those children more than likely will remain institutionalized because there is no alternative.

Q: How would someone who was willing to be a foster parent to a teenager or somebody who is handicapped get in contact with your agency to offer this service, or to see if they were suitable?

A: Just look up the Illinois Department of Children and Family Services in the phone book and call up [offices are located in over 70 cities].

Q: What would you say is the next major task for DCFS?

A: I'd like to see us move a lot more of our children into permanency. What has happened is that foster care for a lot of children which should be temporary has become permanent, de facto, and yet these children don't have the security of an officially permanent situation.

Q: Do you think there's a good chance for you to make a dent in this problem and actually lower the number of children on the rolls?

A: I think so. Some of the areas are proving they can do it. One of our areas, for example, is spending 55 per cent of their time in service to children in their own homes. Now that means they are really providing the kind of supportive services to prevent the child from being taken out to start with. That's one way. The other way is to accelerate the placement of the children who are already available for adoption. But if the economy worsens, I think the disintegration of families will worsen, and therefore our case load may shoot way up.

Q: Mrs. Leahy, if you had the opportunity to tell every citizen of Illinois one thing about DCFS and what it does, what would that one thing be?

A: Well, what I'd like to say is that these children, all 28,000, belong to all of us. All too often this department has been seen as all things to all children. I'll give you an example. In one area, a school official said to me, "I had a very disturbed girl in school and I called your department and your department didn't do anything about her." Maybe we were wrong, I won't go into that, but I said, "What did you do about her then?" And he said, "I had called your department — it was your responsibility." I hope to develop a planning process that will see that this responsibility is spread over the school system, the local police departments, and the medical profession. I would hope that no doctor or no dentist in this state refuses to serve one of these 28,000 children because he thinks the forms are too difficult to fill out to get payment. We've got to begin to accept the fact that these children, all of them, are the responsibility of all of us. □

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By CONRAD P. RUTKOWSKI

Crime in Illinois: A look at state law enforcement agencies and how they measure crime

For years the Crime Index has been the primary measure for assessing crime. A new method called the victimization survey suggests that actual crime rates are two or three times higher than indicated

JUST WHAT do we know about the nature of crime and law enforcement in the state of Illinois and the U.S. generally? What do law enforcement officers actually do? What do we know about crime and the ways in which it is measured and assessed? How much money is spent dealing with crime? And finally, how can some of the real problems and issues within this field be identified and dealt with?

Law enforcement agencies and personnel

To begin with it is important to note that police activity within Illinois as well as elsewhere is largely administered on the local level. Police engage in activity within jurisdictional units. And these spheres of authority are not always compatible with one another.

At the highest level, the Illinois State Police operates throughout the state within 16 traffic control districts. In all, their sworn contingent of officers just exceeds 1,700. While they are concerned with criminal activity, their primary role relates to the regulation of traffic on state highways.

A less visible law enforcement agency operating on the state level is the Illinois Bureau of Investigation. At its inception it was mandated to gather intelligence on organized crime; enforce narcotics laws; and work with local law enforcement agencies. In addition, the Bureau with its contingent of 168 agents has also taken on the responsibility of insuring the security of the state's racing industry as well as uncovering political corruption within the state's executive branch.

A third state agency which has law enforcement responsibilities is the Illinois Bureau of Identification which provides assistance of a technical nature to state and local law enforcement agencies. All three agencies mentioned above are elements of the Illinois Department of Law Enforcement.

The secretary of state in Illinois, an elected official, supervises over 200 investigators in the area of automobile titles, registrations, and the licensing of drivers.

County, municipal levels

Below the state level, there are 102 county police departments, each of which is organized under an elected sheriff. Currently, all of these departments taken together rely upon a force of 1,900 officers.

There are approximately 870 distinct police departments operating at the municipal level which embrace a total of approximately 21,500 officers. About 65 per cent of these, or almost 14,000 officers, are members of the Chicago Police Department.

In 1973 the Illinois Law Enforcement Commission conducted an extensive survey to ascertain how local police within the state spent their time. Only about a quarter of their time was reported as being spent on crime prevention. The remainder of the officers' time was spent on traffic control (32 per cent), criminal investigations (14 per cent), domestic calls (11 per cent), ordinance enforcement (8 per cent), and other miscellaneous activities (8 per cent).

Despite these figures, police officers tend to define or perceive their major role as one of crime fighting. In significant contrast to this is the fact that the public tends to expect the police to serve as a kind of general overall service agency.

The ideal role of a law enforcement officer is that of an impartial agent of the state. Yet far too often the public sees police officers as allies in their personal attempts to secure redress of a real or imagined grievance. Egon Bittner, professor of sociology at Brandeis University, stated it well when he said, "Police work is, by its very nature, doomed to be often unjust and offensive to someone. Under the dual pressure to 'be right' and to 'do something,' policemen are often in a position that is compromised even before they act."

Uniform crime reporting system

In 1970 the Illinois General Assembly (Public Act 76-444) directed the Illinois Department of Law Enforcement to establish a uniform crime reporting system for this state. On January 1, 1972, just over three years ago, this program became operational.

To a very large degree the Illinois system was patterned after the nationwide Uniform Crime Reports System

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From 1959 through 1972 the population of Illinois increased by 12.4 per cent. During the same period the Crime Index rose 124 per cent and the Crime Rate was up almost 100 per cent

which was first inaugurated throughout the nation in 1930 after an extended and intensive campaign by the International Association of Chiefs of Police. It is this system which is used by the Federal Bureau of Investigation in its annual compilation of crime statistics in the United States.

The primary yardstick by which crime is assessed within the state is the Crime Index. This statistical tool is based upon a compilation of reported crimes that are defined as serious because of their very nature, or because they occur with such frequency that they constitute a large proportion of all crimes that do occur.

General picture of crime

Another measure, called the Crime Rate, has been developed from the Crime Index itself. The Crime Rate is simply an expression of the Crime Index in terms of population. More precisely, it is the Crime Index per 100,000 population. Even though these measures are viewed as somewhat crude devices by a number of authorities, they do provide a general picture of crime in the United States. It is also argued that this system does allow for a degree of comparative analysis and assessment by treating population as a constant variable.

Due to a significant degree of dissatisfaction with the Uniform Crime Reports system, an alternative and somewhat revolutionary instrument has been introduced. Within and without the law enforcement field a controversy of sorts had been raging not only over the accuracy of the Uniform Crime Reporting System, but also over its relevance and usefulness. Detractors of the system charge that the system deals only with *reported* crimes and not with crime unknown to law enforcement agencies.

The new system, which relies heavily on scientific sampling methods, attempts to determine how many and how often individuals and institutions have been the victims of crimes. Victimization survey is the term generally used to describe this new method. Thus far the results of these surveys suggest actual crime rates at least two to three times greater than those indicated by the Uniform Crime Reports. If the victimization surveys are more accurate in recording the incidence of serious crime, then the pressing question is why citizens do not call law enforcement agencies when they are a victim of a crime.

In 1972 the estimated population of Illinois was approximately 11.25 million. The Crime Index was 279,455. The Crime Rate was 2,483.8 per 100,000 population. The Crime Index consists of the crimes of murder, forcible rape, burglary, auto theft, robbery, aggravated assault, and larceny in the amount of $50 and over (see accompanying chart).

From 1959 through 1972 the population of Illinois increased by 12.4 per cent. During the same period the Crime Index rose 124 per cent, and the Crime Rate was up almost 100 per cent. Nationally, the Crime Rate rose 200 per cent during these years.

Fear of crime

Does all of this mean that crime is increasing rapidly in Illinois and even faster in the nation as a whole? There is no easy or generally accepted answer to this question. Statistics prove many things, and those who rely upon them argue that they substantiate an increase. Other authorities in the field argue that levels of crime remain relatively constant, given relative social, economic, and political stability. The one certain fact is that public *fear* of crime is demonstrably on the increase. Perhaps the most important element contributing to this anxiety is the fact that criminals are becoming more indiscriminate in their choice of victims. In terms of a well-worn cliche, crime is no longer confined to the ghetto, if in fact it ever was.

A number of years ago during the Lyndon Johnson administration a congressman from New York was reported to have said, "Money is where poverty is." Today, it would not be inaccurate to say this. In 1973, in Illinois the law enforcement sector of the criminal justice process was allocated about $433 million, while the courts received only about 10 per cent of that amount ($44 million). Correctional agencies were budgeted at $108 million.

Public expenditures

In 1968 the President's Commission on Law Enforcement and Administration of Justice published figures indicating public expenditures in the United States for the prevention and control of crime. In all, $2,792 million was spent on police services. The federal share of this was only 9 per cent ($243 million); the state government portion was only slightly more at 12 per cent ($348 million); and the local government portion was a staggering 79 per cent ($2,201). The figures provided by the Commission were for the year ending June 30, 1965. In August 1971 the U.S. Advisory Commission on Intergovernmental Relations announced that $6.5 billion was spent by state and local governments on criminal justice within the United States. The Commission pointed out that this figure represented about 5 per cent of state-local expenditures for all purposes.

The President's Commission on Law Enforcement and Administration of Justice also concluded in its report on crime in the United States that the

number of criminal offenses in this country was rising and that most forms of crime were increasing more rapidly than the population. In 1975 the picture has not markedly changed; it may have worsened. Equally important, the Commission found that public anxiety regarding crime is intensifying. It is indisputable that the general public sees crime as one of the most serious domestic problems.

Just what are some of the things that we do know about the nature of crime here in Illinois and in the United States? To begin with, crime is no longer just an urban problem; it has shifted to the suburbs. In addition, crime is now definitely identified with young people. The Illinois Law Enforcement Commission reported in 1974 that "there are an estimated 1,500,000 youths, aged 10-17, in the state, approximately 10 per cent of whom are known offenders or who are in danger of becoming involved with law enforcement agencies." This specific age group is to be found primarily in the suburbs. The Commission also reported that "the second-highest crime potential group, young adults aged 18-24, is also found in the greatest numbers in the suburbs."

Crime prevention

As noted earlier, an enormous amount of crime in the United States simply goes unreported. The "whys" and "wherefores" of this are still largely unknown. Is apathy one of the causes? Even if it is, it must be pointed out that law enforcement agencies are for the most part *reactive* in nature, in that they normally attempt to deal with crime after the fact. The very reason for their existence, whether by design or not, is the segregation of criminals from society. Accordingly, little effort is expended in genuine and effective crime prevention.

The preceding is not intended as a slap at our law enforcement agencies and their staffs. At present, little is known about the nature and relative effectiveness of the various crime prevention strategies. A number of preliminary studies at least imply that much of what is being done is ineffective, or more significantly, is simply irrelevant. To a major degree, current crime prevention strategies and tactics are based upon untested assumptions.

Women and crime

It is also significant that female involvement in crime is on the upswing. Statistics provided by the F.B.I. indicate that today about one out of every 10 "serious crimes" is perpetrated by a woman. In terms of arrest rates, one out of every six involves a woman. Over the last five years, in a number of major crime categories—murder, auto theft, and armed robbery—the number of women arrested has increased 52 per cent while the increase among men was only 8 per cent. Drunken driving arrests for women were up 211 per cent, and for drug or drug-related offenses the rise was an astounding 1,032 per cent. Again, the "whys" of all of this are speculative and have been hotly debated.

What can be done, if anything, about all of this? Better data might help, but as yet we simply do not know what is the most precise method of measuring crime and its impact.

Currently, the great bulk of our monies are invested in after-the-fact "problem-solving" and/or "problem-eliminating" ventures, rather than in crime prevention. In an analogous sense this has meant that we have concentrated on corrective surgery rather than preventative medicine. Any major orientation of funding priorities will probably be based on the assumption that a significant proportion of crime can be prevented. □

*Total Crime Index Trend Illinois vs. U.S.A.**

Percent Change from 1965-1972

CRIME INDEX (total number of serious crimes, including murder, forcible rape, robbery, aggravated assault, burglary, theft over $50, and auto theft)

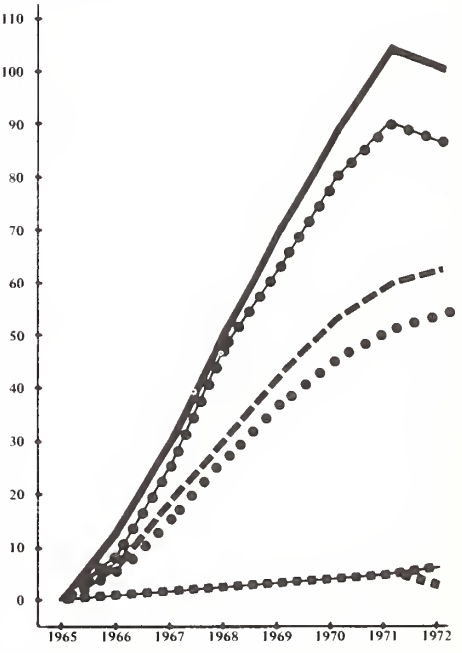
U.S.A.
Illinois

CRIME RATE (crime index per 100,000 population)

U.S.A.
Illinois

POPULATION (Bureau of Census provisional estimates as of July 1, 1972)

U.S.A.
Illinois



**CRIME IN ILLINOIS – 1972 (Springfield: Crime Studies Section, Bureau of Identification, Department of Law Enforcement, 1972), p. 13*

Reprinted from Illinois Issues, July 1975

By EUGENE EIDENBERG

A look at the state's Prison Furlough Program

CONTROVERSY has come to the state's Department of Corrections inmate prison furlough program. Authorized by the General Assembly, the limited-release program—one of 44 in the nation—has stirred debate following allegations by Bernard Carey, state's attorney for Cook County. He charges that "vicious criminals are being freed to roam the community." Carey's case is supported by instances of furloughs being given in one case to a convicted "hit-man" for organized crime; in another case, a convict imprisoned for attacking his wife was released and is alleged to have killed her while on furlough.

99.4 per cent success

Allyn Sielaff, state director of corrections, defends the program by pointing to one of the best records in the nation—a 99.4 per cent success rate since the program began in the fall of 1969. Sielaff says, "Imperfection in predicting human behavior will make some failures on furlough inevitable. On the other hand, for each failure there will continue to be hundreds of successes though they are less dramatic, less visible and less newsworthy." Department of Corrections official statistics give weight to Sielaff's claim. From the time of the program's inception through the end of 1974, 8,802 prisoners have been placed on the furlough program for one or more of the following reasons:

(1) To visit home and family for such reasons as serious illness within the family.

(2) To obtain medical services not available within the prison.

(3) To participate in an educational program related to gaining an understanding of the causes and prevention of crime.

(4) To make contact for employment upon parole or other release.

(5) To attend the funeral of a family member.

According to a Department of Corrections document, "Facts About Furloughs," 39 prisoners have "violated the Administrative Regulations as to the time of return" to the prison, and only 10 have been "arrested and/or (are) suspected of involvement in a new criminal offense."

Behind Carey's charge and the defense of the program by Sielaff is the larger question about what we expect from our prison system and what it can deliver. Prisons have traditionally been expected to perform a Jekyll and Hyde function for society. Prison is a place in which people convicted of serious crimes pay their debt to society in total segregation from the community. At the same time, a prison is a place in which serious efforts will be made to rehabilitate, so that upon release the ex-offender will follow a law-abiding life. The problem, of course, is that these expectations are often contradictory since it is hard to punish and rehabilitate prisoners simultaneously.

Warehousing function

Another more immediate purpose not often discussed in polite society is the warehousing function of prisons. A criminal justice system overwhelmed with arrests, court cases, and rising crime rates increasingly looks to the prison as a place to stockpile those who are poor risks for probation or other community-based solutions. Very few people working in the system view our maximum security prisons as places which can either effectively punish or rehabilitate. Indeed, the rate of prisoners returning to state prisons for repeat offenses (35 to 45 per cent according to one accounting method) has long since led to the conventional wisdom that prisons are most effective at preparing first offenders for lives of crime.

With police, courts and probation systems overwhelmed by numbers, prison authorities have been desperately looking for alternatives. Ironically, the work-release and furlough concepts were partly the result of the recognition that continued stockpiling of society's felons was in itself dangerous. The odds favored their return to criminal behavior once released. In Sielaff's words, "Furloughs help reduce recidivism. Offenders are less likely to return to crime after release from prison if they have a decent job, residence and family situation. Secondly, a furlough program is essential to prison reform. It permits leaves for emergencies, bridges reentry into society, aids in parole decision-making, relieves homosexuality in prison and improves inmate morale."

It is probably too early to know definitively whether Sielaff is correct about the benefits of the furlough system. What can be said with certainty is that the lockup and retributive mentality of an earlier era did not effectively punish or rehabilitate in ways that served public safety. The recidivism (relapse into repetition of committing crime) is powerful testimony which supports this finding.

The system of parole has combined with the move away from warehousing to add stimulus to the furlough program. Under an indeterminate sentencing structure such as Illinois has, there is periodic review of a prisoner's behavior to determine if he is a good risk for parole before the full sentence is served. For example, a sentence of 5-10 years for armed robbery almost always assures release on parole within three and one half years—assuming the individual has stayed out of trouble while in the penitentiary.

Hans Mattick, director of the Center for Research in Criminal Justice at the University of Illinois at Chicago Circle,

The larger question behind prison furloughs is what we expect from our prison system and what it can deliver

is quoted in the *Chicago Daily News* (January 3, 1975) as saying that the furlough program is "a way of enabling a man to test freedom in a graduated way while he is still under effective control by the state. We know he is going to be eligible for parole, and this is a good way to test how he tolerates freedom." Mattick went on to point out that "98.9 per cent of all persons who enter prison are going to be released eventually." For Mattick and other criminologists, the furlough is an effective device for gradually reintegrating the convict into a society in which he has already had trouble.

Administrative discretion

Very few of the critics of the program are opposed to furlough and work-release programs in principle. Certainly State's Attorney Carey disavows such a view. Carey argues that the present law establishing the program in Illinois grants too much administrative discretion to the state Department of Corrections. He is seeking changes in the law (*Illinois Revised Statutes*, chapter 38, section 1003-11-1) to reduce that discretion.

There is no doubt that the present law contemplates substantial discretion in the administration of the program. Within the statutory purposes for which a furlough can be granted, the director may choose who will participate, whether the prisoner will be accompanied during the furlough, the period of time to be granted for the furlough, and the frequency with which an inmate will be granted furlough. According to Department of Corrections figures, at any given time approximately 30 inmates are on furloughs lasting an average of 48 hours.

Furloughs are granted after an 11-step review process within the Department of Corrections. In addition, special review and screening procedures have already been established before furloughs are granted to people convicted of Class I felonies, which are the most serious and violent crimes. Another safeguard built into the program's administration, according to "Facts About Furloughs," is the filing of "certain information on all persons approved for furlough fifteen days in advance to state's attorneys, and places such information in LEADS (Law Enforcement Agency Data System) which may be assessed by law enforcement officials."

In late March of this year, the department established a new minimum advance notice of pending furloughs of 25 days. In addition, revisions to the administrative procedures governing the program call for special concern and caution when considering furloughs for inmates previously involved with organized crime "who may attract undue attention, or those who are serving a sentence for murder . . . ." Finally, the revisions seek to make clear the circumstances which require that a prisoner be escorted while on furlough.

Nonetheless, Carey has discussed draft legislation with Sen. John Graham (R., Barrington) which would reduce the Department of Correction's discretion in administering the program. At the time of this writing, the proposed bill would shift authority to grant furloughs and work-releases from the Department of Corrections to the Pardon and Parole Board, although the board would act on Department of Correction's recommendations in all cases. The Department of Corrections also expects to see language introduced either in the Graham Bill or in another, denying furloughs to Class I felons, and to enact into law many of the department's current administrative guidelines. It is unclear what effect these proposed changes will have on the number of furloughs given, although officials within the Department of Corrections are sure they will be reduced.

The Walker program

In perspective, the prison furlough is but one example of a variety of reform devices which modify a centuries-old system in deep trouble. Recent initiatives by Gov. Dan Walker to alter the court services, probation and sentencing procedures in Illinois will profoundly alter the system. If enacted, the Walker program will reshape Illinois' answer to the question of what we expect from our prison system and what in fact it can deliver. Among other changes, parole as we know it will be ended, since indeterminate sentences will be abolished in favor of so-called flat-time sentences. Prisoners will serve the statutory limit of their sentence with one day off for each day of trouble-free incarceration. One estimate predicts that the governor's plan will double Illinois' adult prison population. What place, if any, there will be for furloughs under such a system remains unclear. In the end, the General Assembly will have to decide whether the current system with its halting efforts to reform and change or a dramatic new approach is most likely to provide a higher level of public safety.

A national debate

Until this question is answered, the debate about furloughs will continue. The current administration will probably continue the furlough system until mandated to do otherwise. Sielaff has support for this position from the American Corrections Association (ACA) whose executive director communicated the ACA's support for the furlough program in a letter to Gov. Walker last September 6. In addition, the Adult Advisory Board of the Illinois corrections department has recently reviewed the furlough program in Illinois and concluded it was "conservatively run and well managed." Besides, there does not appear to be any substantial support within the current legislature to scrap the furlough program, despite Rep. Ronald E. Griesheimer's (R., Waukegan) House Bill 606 which would abolish furloughs. The question will be what modifications, if any, to adopt while the larger issues raised by Gov. Walker's proposals are debated. The debate promises to be conducted in national as well as state forums since the issues touch the administration of every prison system in the country. □

EUGENE EIDENBERG
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By JAN BONE

For first time in Illinois, new law recognizes rights of innocent victims of crime

A YOUNG man sitting on a Chicago porch with his date sees an armed robbery taking place at the gas station next door. The robber spots him, fears recognition, fires, and kills the youth —

A man, visiting a friend, is knifed in a hallway —

An elderly woman, walking alone, is held up and beaten —

All are innocent victims of crimes.

Under a new Illinois law, they and similar victims who qualify are eligible to receive compensation from the State. The law provides for withholding names or details where necessary to protect the innocent or where the interests of justice require. Claims are processed before the Illinois Court of Claims by the Office of the Attorney General, William J. Scott.

$10,000 maximum amount

"Basically, the law compensates innocent victims of crimes or their dependents for medical and related expenses and loss of earnings up to $10,000 per claim," said Saul R. Wexler, assistant attorney general and chief of the Attorney General's Court of Claims division.

The Crime Victims' Compensation Act of 1973 provides compensation for certain unreimbursed losses resulting from a crime of violence: medical and hospital expenses, loss of earnings up to $500 per month, and loss of future earnings because of disability, with a maximum of $500 per month.

There's a $10,000 maximum on the amount recovered, and a $200 deductible on the amount of losses incurred. Property loss and pain and suffering are specifically excluded when the amount of loss is considered. In addition, benefits, payments, or awards from workman's compensation; local, state, or federal funds except for Social Security benefits, or hospitalization insurance are deducted from the amount of loss when the award to an applicant is determined.

"Only claims resulting from crimes committed on or after October 1, 1973 may be considered," said Wexler. "The crime involved must be one of the following: murder, voluntary manslaughter, kidnapping, aggravated kidnapping, rape, deviate sexual assault, indecent liberties with a child, assault, aggravated assault, battery, aggravated battery, reckless conduct, or arson. If any of these crimes occurred during a civil riot, insurrection, or rebellion," Wexler said, "they're not covered under the Crime Victims' Compensation Act.

"The person who applies for compensation has to be a victim if it's a personal injury case," he continued. "But if the victim dies as a result of the crime, then anyone dependent on that victim may apply if they've had actual medical or funeral expenses, or if they face loss of earnings or support.

"The applicant must cooperate fully with law enforcement officials in apprehending and prosecuting the assailant," Wexler said, "but the assailant need not be apprehended or convicted."

Rep. Leland Rayson (D., Tinley Park), Rep. Arthur Berman (D., Chicago), and Sen. Howard W. Carroll (D., Chicago) were chief sponsors of the original bill, Public Act 78-359, that set up the Crime Victims' Compensation Act, and also sponsored an amendment recently signed into law. Among other provisions, the amendment, Public Act 78-1197, expanded eligibility of applicants so that persons related to victims who died could be compensated for funeral and medical expenses. "Originally, people had no recourse for recovering these expenses if an elderly parent or child was the victim," said Wexler. "Now they do."

So far, about 300 claims have been filed in Illinois. Most of them are in various stages of investigation, although four or five victims or dependents have been awarded compensation by the court. For example, relatives of the young man shot and killed by the gas station robber as he sat on the Chicago porch with his date received an award of just under $800.

Amendment expands eligibility

The compensation process starts when victims or their dependents contact the Attorney General's office. They can pick up a packet of information and forms, including a Spanish translation of instructions, at consumer fraud offices throughout the State, or request them by writing to the Attorney General. Included with the various forms is a subrogation agreement, which provides that if the applicant recovers money from his assailant, the Attorney General may proceed against the assailant for those moneys. "In the event we recover money from the assailant in excess of what the State has paid out in compensation, then the remainder will go to the victim," said Wexler. The forms also include an authorization for the Attorney General

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'Basically, the law compensates them or dependents for medical and related expenses, loss of earnings up to $10,000 per claim' but property loss and pain are excluded. Attorney General's office administers program through Court of Claims

to get all records he requests, including those from police, medical, employment, and insurance sources.

Once an applicant decides to file, he must notify the Attorney General's office in writing of his intent. He has six months from the date of injury to do this. Completed applications must be filed with the Court of Claims in Springfield within two years from the date of injury.

"Certain situations exclude applicants from compensation," Wexler said. "They can't get compensation if the victim and his assailant are related or sharing the same household; if the injury or death of the victim was substantially caused by his own wrong act; if the victim substantially provoked the assailant; if financial loss is not over $200; or if the applicant has not cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant."

Must notify intent to file

How does the Illinois experience compare with that in other states having similar laws? "When our law was drafted," Wexler said, "we studied what was happening in New York and California. Like Illinois, they are large states with a large urban population. New York, where a compensation law took effect in 1967, had 196 claims filed during its first year. In the past year, they've had 2,000 claims filed — more than half of them as a result of mugging. They have a backlog now of just under 1,000 claims. California initially had 169 claims. At the close of last year, there were 838 claims pending there that hadn't been resolved.

"We wanted to be sure we had enough staff members to handle claims so that we wouldn't hit a backlog. When we went to the legislature for funding, we asked for a sufficient appropriation to hire staff members as the need arose. They gave us the money. I think we're going to be able to keep up."

Involves close cooperation

Processing Illinois claims involves close cooperation between applicants and the Attorney General's office — either in Springfield or in Chicago. Staff members contact police authorities and investigate the charge, making sure that the date the crime occurred and the type of crime are covered under the act. Applicants themselves round up hospital, doctor, and employer records. "We find it's faster that way," said Wexler, "and speeds the time spent getting the claim ready to file with the court." Usually an investigator from the Attorney General's office meets with the applicant at least once while the claim is being put together.

"We do a spot check with the Department of Public Aid to be sure they haven't picked up any of the applicant's expenses." Wexler said, "so we're sure the State isn't paying twice. Then we prepare a report for the Court of Claims after the investigation is finished. If the court approves the report, it enters an order to pay compensation from the General Revenue Fund.

"In recent years, there's been a lot of concern about the rights of defendants, as well as a lot of concern about prison reform. We've been hearing a lot about the rights of those accused, indicted, and convicted," Wexler said. "But for the first time in Illinois, this law recognizes the rights of the innocent victim."

If you or someone you know is eligible to file a claim under the Crime Victims' Compensation Act, contact the Office of the Attorney General, Court of Claims Division.

Persons from the northern part of Illinois, north of an imaginary line crossing the State just above Kankakee, should write or phone:

William J. Scott, Attorney General
Court of Claims Division
Room 300, 188 W. Randolph
Chicago, IL. 60601
312: 793-2587

Persons in Kankakee and all parts of Illinois south of that city should contact:

William J. Scott, Attorney General
Court of Claims Division
500 S. Second Street
Springfield, IL. 62706
217: 782-1090

A packet of forms and filing information, along with a Spanish translation of instructions, will be mailed to those who request it and who initially appear to be eligible. There are no fees for filing a claim. The Attorney General's office initially determines eligibility.

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Reprinted from Illinois Issues, September 1975

How Cook County got a comprehensive *or, the art of*

An alliance of county officials, practitioners and academics succeeded in creating, and gaining approval for, a new training program for criminal justice personnel in Cook County. The fact that the program was a good one, the authors say, was not enough. Persistence was the key to success

GAD J. BENSINGER
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HERE IN ILLINOIS everyone from professor to politician to professional pundit has proposed reforms and solutions to criminal justice problems. However, as Gov. Dan Walker noted, ". . . reforms that look good on paper don't always work out." Put bluntly, in criminal justice, paper reforms are to reforms as paper tigers are to tigers. A great deal of time could be spent arguing over what constitutes a reform. Rather than do this, we will define "reform" (according to Webster's) as a verb meaning "to put or change into an improved form or condition."

What follows is a case study of how one small reform in the Illinois criminal justice system was effected. That reform consisted of two steps: (1) the establishment of a comprehensive criminal justice training program in Cook County; and (2) the incorporation of that program as a permanent part of Cook County government. It took nearly four years to achieve these two steps. The process of completion was amazingly complex.

In 1971 the federal Law Enforcement Assistance Administration (LEAA) was making special grants available to large urban counties with populations of over 350,000. Cook County qualified for funding in this discretionary category. It was one thing to meet the requirements for grant application; it was quite another thing to develop an acceptable proposal and obtain a grant award.

After months of discussing semi-formulated unacceptable alternatives, the county, in conjunction with the Public Service Institute of the City Colleges of Chicago, developed a proposal to upgrade the personnel in the county criminal justice system. This proposal featured college credit for courses, an educational focus, and a law enforcement emphasis. LEAA reacted favorably to the concept.

Final approval, however, required the Illinois Law Enforcement Commission (ILEC), which is the state criminal justice planning agency, to agree to the proposal. Specifically, the commission's now defunct Standing Committee on Education and Training had to certify the proposal. This necessary certification was repeatedly delayed and only hesitatingly granted in the late spring of 1972.

The certification was not without conditions. The state commission insisted on the following restrictions: (1) college credit could not be given; (2) law enforcement personnel could not participate; and (3) only training, and not education, could be accomplished with grant funds.

The reasons for the imposition of these restrictions are open to various interpretations. The net result was indisputable. The proposal as certified by the state commission bore slight resemblance to the original application. Nevertheless, LEAA funded the Criminal Justice Training and Leadership Development Program for one year with no provision for continued financial support.

Still in the ball game

Obviously, the program had two strikes: It had little substance left; it had no provisions for continuity. The apparent third strike was that, under the original design, the program was to be implemented for the county by the City Colleges of Chicago. Given ILEC's conditions, the logic for that arrangement no longer applied.

The question was whether to proceed. The compelling argument for proceeding was that at the time of funding nearly 28,000 people were employed in Cook County's criminal justice system. Eighty-one cents of every criminal justice dollar expended by local governments in Illinois was being spent

By GAD J. BENSINGER and EDWIN T. CREGO, JR.

criminal justice training program *muddling through*

in Cook County. Despite this heavy investment, only the Chicago police had the benefits of extended training. Nearly one-half the criminal justice personnel in Cook County were excluded from or had limited access to training and development opportunities.

The problems were three

When the program began in June 1972, the administrative problems were threefold: (1) create a non-traditional program relevant to the criminal justice agencies of Cook County; (2) prove to a highly skeptical criminal justice community that an institution of higher education could be trusted and could work in partnership to upgrade personnel; and (3) secure some means for ensuring that efforts once begun would not wither away.

This analysis focuses on the solution to the third problem of keeping the program alive. However, it is worth noting the primary factors which helped overcome the first two problems. First, the static, instructor-defined "education model" was rejected. Substituted in its place was a dynamic plan emphasizing personalized assessment and based directly on agency and learner need. Second, in conjunction with this, the early delivery of relevant, quality training services was deemed essential for both immediate success and long-term viability.

The program which evolved from this process included the following components:

—A 24-hour training package in interpersonal relations, communication skills, and courtroom procedure for bailiffs in the Sheriff's Court Services Department.

—An orientation program given to the clerks of the circuit court.

—Training in applied psychology, human behavior, law, community resources, and the criminal justice system for probation officers and corrections officers.

—Organization development seminars for supervisory personnel in the Sheriff's Office, the Office of the Clerk of the Circuit Court and the Department of Adult Probation.

—Systemwide institutes on "Communication and Cooperation" for personnel from all the major criminal justice agencies in Cook County.

The majority of the training which was developed centered on the application of the latest behavioral techniques and management methods. Improved service and increased sensitivity to the public was a touchstone of all training. By the end of the first grant, more than 35,000 man-hours of training was provided to over 2,000 trainees.

The question was survival

The first two administrative problems were thus met. Unfortunately, adequately addressing these problems was a necessary, but not sufficient condition for program survival. In fact, as often happens in social reforms, program survival depends more on sponsorship than on any measure of substantive success.

It had been hoped, at the outset, that an additional year's funding would come from LEAA. Within six months of the initiation of the prgram a new grant application was developed and submitted to LEAA. This 300-page application was totally different in thrust, dimension, and orientation than its predecesser. It was intended as a planning model and a program management device. The application called for the eventual incorporation of the Criminal Justice Training and Leadership Development Program as a function of county government. At virtually the same time that the local planning review region, the Chicago-Cook County Criminal Justice Commission, was approving this document, LEAA announced changes in its funding priorities which closed the door on another year of funding.

The only way remaining to obtain funding for a second year's operation was to apply to the Illinois Law Enforcement Commission. On its face, this prospect did not look too promising. ILEC's initial reluctance in certifying the program for the federal law enforcement agency's discretionary funds was one factor in the negative outlook. More importantly, ILEC had a standing rule that only programs identified in its yearly criminal justice plan could be considered for funding. Since the Cook County Training Program had originated with the federal LEAA, it was not even mentioned in the state plan.

The quality of the program spoke for itself. The task was to make it speak to the right people in a convincing enough fashion to override both personal predispositions and organizational obstacles. It was decided that the program, which had been kept in low profile, ought to be made more visible. A publicity campaign was launched. Local newspapers, radio and TV outlets and other media channels were contacted. Democratic and Republican public officials were given pertinent material and their written support was solicited. An advisory board constituted of local criminal justice officials was kept informed of all developments.

The moment of decision

The publicity campaign generated less interest than was hoped, but several articles and feature stories resulted. This publicity was utilized to bring the achievements of the program to the attention of the Illinois Law Enforcement Commission.

The moment of decision came in June 1973 exactly one year after the initiation of the prgram. The grant applica-

The preparation of criminal justice employees in Cook County has been 'put into an improved form.' The county now has within its Department of Personnel a distinct section devoted to criminal justice personnel

tion for a second year's funding came before the Illinois Law Enforcement Planning and Budget Committee. The committee rejected the application outright on the basis that it was not included in the state's planning document. This rejection was strictly procedural. No consideration was given to substance or to program achievement.

The big push

At this critical juncture, the strength of the program and the political support it could muster were put to a severe test. All resources were mobilized. Interested parties, including the advisory board members, were requested to write letters of protest to the commission, pointing to differences in interpretations and viable possible alternatives. Heads of some of the major criminal justice agencies in Cook County made personal contact with top administrators at ILEC. Meetings between the administrators of the training program, a representative from Cook County government, and ILEC staff and administrators were held.

These communications cleared up a number of misunderstandings, misconceptions, and misinterpretations. They also helped to dispel any latent hostilities that might have been harbored. Both sides gained a better understanding of the other's expectations, and an appreciation of the other's problems.

Within a relatively short time, it was agreed that although the program could not be inserted in the 1973 Illinois Law Enforcement Plan, it would be included in the 1974 plan. To bridge the time span between the official termination date of the federal grant and the starting date of the 1974 state funding, the program was permitted to continue on leftover LEAA funds and was promised a small additional supplemental grant to guarantee a smooth transition. In return, the program was to effect transference of the program to the county government as soon as possible.

This compromise was adhered to by both parties. ILEC provided funds for an additional year. The program administrators set long-term goals and designed an action plan to meet these goals.

The training and development program for 1974 emphasized the following: Training of in-house, agency trainers; development of supervisors as trainers; increased and improved relations with a number of agencies; initiation of additional training modules; and refinement and expansion of ongoing training. These steps furnished the necessary organization for the transition to Cook County.

The next step was to ensure the county's assumption of the program. Every effort was made through good programming, meeting agency and system needs, reinforcing interpersonal ties, and, of course, lobbying with the appropriate county officials.

Chances were excellent

By the end of 1974 the program administrators felt there was an excellent chance of the county assuming the program operation, and in early 1975 the Cook County Board of Commissioners voted to allocate county funds to continue the Criminal Justice Training and Leadership Development Program.

The preparation of criminal justice employees in Cook County has been "put into an improved form." The county now has within its Department of Personnel a distinct section devoted to criminal justice personnel. More than 3,500 employees from every major criminal justice agency in Cook County have participated in over 100,000 hours of varied training and development experiences. Nearly every agency has a training coordinator or coordinators appointed as a result of and trained through the program.

To the authors' knowledge, the arrangement in Cook County is unique in the United States. It is unmatched in coverage, comprehensiveness, and coordination. Further, the transfer of functions from higher education to county government, and the establishment of new locally supported positions is unprecedented in the history of Illinois and Cook County criminal justice funding.

Those little things

This reform is significant. It is one of those little things that makes a system work better. It has been achieved without fanfare. Indeed, it was probably achieved partially because there was no fanfare.

For those who are students of social change, there are some strategies for action here. They are: (1) **Understand the territory**; know the actors, institutions, roles, rules, and political realities encumbering the activity which you are about to undertake. (2) **Validate perceptions**; examine others' views of you and your view of others; address the problem created by errors in institutional or individual foresight. (3) **Muddle through**. Administration or policymaking is not always rational, but there is a science, however, to muddling through. Don't always expect planning to be perfect; anticipate negative outcomes; be prepared to cope and to negotiate; be pragmatic; be persistent. If you believe what you are doing is of value, don't give up.

There is also a lesson here for those who think that public reforms are brought about at the stroke of a pen. Don't believe it. □

Reprinted from Illinois Issues, April 1975

Chicago

By DAN LOGAN

A new way to fight crime: Give the *victim* the help of a lawyer

THE CRIME victim is the modern-day Job. After being victimized by crime, he's further victimized by the workings of his own criminal justice system.

It just isn't right, and the South East Chicago Commission, committed to "the application of new techniques to community problems" in Chicago's Hyde Park-Kenwood area, is doing something unique about it. The commission provides crime victims with a lawyer who looks out for their interests.

Vitcim assistance

The lawyer is Cary Polikoff, the 30-year-old son of a circuit court judge. He has a 24-hour answering service at home. It's not uncommon for Polikoff to be awakened in the middle of the night by a phone call. There has been an armed robbery, and the unnerved victim has signed a form asking for his help. Polikoff hurries down to the police station, where he'll reassure the victim and stay with him until the police paperwork is complete.

Polikoff's next step is getting the victim to court. Victims have a natural reluctance to come to court for preliminary hearings, and reluctant witnesses aren't worth much to the prosecution. Polikoff has spent hours convincing a victim not to be intimidated by the system or by threats.

Then there's the notification problem that has plagued the system. It's the police department's responsibility to tell witnesses when to be in court for a preliminary hearing. The arresting officer usually calls the victim a couple of days ahead of time. It's a time-consuming procedure that leaves much room for human error.

So Polikoff's predecessor at the commission, John Beal, now an associate director of the Chicago Crime Commission, developed a computerized witness notification program. In its first nine months of operation, the program sent postcards to over 11,000 witnesses, only 5 per cent of whom failed to show up.

Because of delays and continuances, the average victim has to figure on four or five court appearances even before the case goes to the grand jury. Polikoff makes those appearances as painless as possible. Before each one, he checks to make sure the state's case is ready, then picks up the victim. He tells him what to expect, stays with him all day, then drops him off at home.

During the preliminary hearing, Polikoff acts as a watchdog, seeing to it that the state's attorney takes into account the victim's suffering. He lobbies for high bonds that will discourage defendants from jumping bond.

And Polikoff watches plea bargaining particularly closely. He tells the state's attorney whether he thinks the case is a good one and whether he thinks there should be a trial. Neither Polikoff nor his client have official standing, but, says Polikoff, "When I'm there both parties pay closer attention to what the law requires of them. They're not likely to sell out the victim in plea bargaining."

Plea bargaining

"At its best," according to Polikoff, "plea bargaining enables the criminal justice system to use its time and resources efficiently, dispensing with a trial in cases that might not result in a conviction. It can save taxpayers' money. But, at its worst, it destroys the normal adversary relationship of prosecutor and defense counsel. They're both looking for the same thing — the swiftest disposition of the case. That means a lesser charge or a reduced sentence — or both — for no good reason."

Besides being an ombudsman and a watchdog, Polikoff is a catalyst for the various branches of government that affect the crime victim. He has found that "many of the system's problems are caused by the assumption that other links in the chain will malfunction. For instance, a state's attorney won't prosecute a case because he says the Department of Corrections hasn't got the facilities to handle the offender — because of the state law that prohibits housing juveniles and adults together. A juvenile would be tried as an adult, but the state's attorney feels the only penalty would be returning the offender to a juvenile institution. So there's no point in trying him as an adult."

The line-up

"I point out to the state's attorney that incarceration is the Department of Corrections' problem. Give them somebody they have to treat in a unique way. I can work on that problem, but not until the offender has been tried and convicted as an adult."

Another example of Polikoff's role as catalyst is a line-up, which requires the cooperation of the police department, the state's attorney who runs the line-up, and the sheriff's office that supplies people appearing in the line-up. Thanks to Polikoff, arrangements for a line-up keeps the victim waiting only a short time.

The South East Chicago Commission's crime victim program is evidence of a shift in emphasis from the traditional concern for defendants' rights to a concern for society's interests — as represented by victims. The state's Crime Victim Compensation Act is another manifestation of this trend.

Polikoff is surprised that the state program was instituted "before we had programs to take victims to court, expedite their stay in court, and take them home. It gives them a good feeling about the legal system."

Sometimes all the money in the world isn't as important as a young lawyer with a 24-hour answering service. □

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By TAYLOR PENSONEAU

EPA's shifting strategy in Illinois' war against pollution

A picture of the state's Environmental Protection Agency since its creation in 1970, and Illinois' attempt to enforce regulations on clean air and water

IN THE NORMALLY drab world of Illinois bureaucracies, the State Environmental Protection Agency (EPA) has been an exciting exception. Little grass has grown under the feet of the agency, which has endured in nearly five years of existence more turmoil, assaults and internal intrigue than many bureaucracies would encounter in a century.

The agency is the policeman in the apparatus set up by Illinois to fight pollution. If the unending backlash against the agency is any indication, the EPA has taken its role seriously. More than the Illinois Pollution Control Board, the agency has been the front-line soldier in the hot war on pollution that Illinois declared in 1970. From the field personnel who track the sources of filth in air and water to the sometimes tough-talking directors at the top, the agency has borne the brunt of attacks by industrialists, farmers, municipalities and others against enforcement of the antipollution program.

A sweetheart relationship exists between Illinois regulating agencies and those regulated in many areas. Little friction is visible, and name calling is rare on both sides. The situation is commendable for everybody concerned — except the general public.

Little time to relax

But this has not been the case for the EPA. The agency, along with the board, has had precious little time to relax because vigorous thrusts by the state coal industry, the Illinois Chamber of Commerce and other forces have kept the antipollution program as continuously imperiled, it seems, as the heroines in old movie serials.

The controversy has yet to produce a winner. It still remains to be seen whether effective environmental protection is possible in a highly industrialized and mechanized farming state such as Illinois. Divided public opinion further complicates the question. Advocates of a more healthful environment are confronted by others who see energy self-reliance as a more important priority. Finally, those who believe the nation's economic woes to be all-consuming point out that both environmental and energy costs are extraordinarily high.

Legislators on list

Pressures from outside are not the EPA's only worry either. The General Assembly has been flooded in recent years with bills designed to restrict or impair the antipollution program. The hostility of some legislators to environmental legislation has been so strong that the Illinois League of Conservation Voters was prompted a year ago to designate 12 Senate and House members as "the Illinois dirty dozen." Those listed were said to be in the vanguard of opposition to passage of a scenic rivers act, a litter control law, strong land use planning provisions and other environmental measures. Most of the dozen were also pictured as backers of efforts to weaken the Illinois Environmental Protection Act of 1970 and the two major agencies that it created, the Pollution Control Board and the EPA.

Ironically, Senator John L. Knuppel (D., Virginia) was included in the dozen even though he has supported legislation on the reclamation of land disturbed by strip mining. Knuppel happens to be the chairman this year of the Senate Committee on Agriculture, Conservation and Energy, which considers most proposed legislation on the EPA.

The 1970 act was passed at the request of former Gov. Richard B. Ogilvie, who supported a vigorous enforcement policy by the agency. Under the act, the agency detects and prepares cases against alleged violators of the pollution control regulations approved by the board. The board, a quasi-judicial panel, considers such cases, im-

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poses penalties, or takes other action.

In the more than two years that Gov. Dan Walker has been in office, though, many observers feel that the administration's attitude toward the antipollution program has not been clear-cut. Morale among the agency's employees has wavered, partly because some believe that Walker has refused to continue the rigorous enforcement policy of the agency's first years.

For instance, the agency referred only 97 cases against alleged polluters to the board in 1973, Walker's first year in office. The number the previous year was 195. Unofficially, the enforcement actions pursued in 1974 totaled 102. Many of these actions were instituted during the last half of the year when the agency went to the board with complaints about industries and other entities that have continued to operate sources of pollution without required state permits.

"We estimate that out of the 19,000 sources which emit air pollutants per year, 9,000 don't have permits," Richard H. Briceland, the EPA director, has explained. "These permits are important. Without them, we have a potentially serious situation." Briceland, a former director of technical support and special projects for the United States Environmental Protection Agency, has restored stability to the Illinois EPA leadership. But he has not brought peace of mind to environmentalists.

The coming of Briceland

In 1973 the Senate refused to confirm Democrat Walker's first choice to head the agency, Mrs. Mary Lee Leahy. Mrs. Leahy, a Chicago attorney, had been a main exponent on environmental matters as a delegate to the Illinois Constitutional Convention in 1970, and some observers felt that she might have continued the tough enforcement policy that marked the EPA captaincy of William L. Blaser in 1971 and 1972. Mrs. Leahy never got the chance. Chicago Democrats joined Senate Republicans in rejecting her, mainly as a result of her legal assistance to the dissident Chicago Democratic faction that bumped the regular Chicago party delegation from seats at the Democratic National Convention in 1972. Consequently, the agency was headed for most of 1973 by caretaker directors.

The coming of Briceland, who looks much more like a scientist than a policeman, has ended the musical chair game with the directorship. There is still confusion, however, regarding the role of the agency. Briceland was on board only a short time when he announced the end of what he termed "the big stick approach" to polluters. It is not known whether Briceland was acting at specific instruction from Walker.

Search for middle ground

Nevertheless, Briceland's intention, spelled out early in 1974, seemed to leave little doubt that the kind of crackdown on polluters in which little quarter or favoritism was shown even to major firms was passing. Environmentalists feared a return to the situation of the 1960's, when most major polluters were barely affected by halfhearted enforcement of the weak Illinois antipollution laws of the period. Many felt that the noticeable reductions in the level of particulates and other pollutants in urban areas was directly linked to the strict enforcement of the Environmental Protection Act after its passage in 1970.

The hard-nosed regulation during the Ogilvie administration once prompted a spokesman for Commonwealth Edison Co., the state's largest utility, to remark, "Although the Illinois rules are not the toughest in the nation, they are applied with a very rigid legal yardstick . . . whereas other states have been more flexible in forcing compliance."

Such rigidity was thought by Briceland to give the agency a heavy-handed image. Although he conceded that this may have been necessary in the early days of the EPA to show that the 1970 legislation "had teeth," Briceland has made it clear that now the agency will continue to "search for a reasonable middle ground."

"We are first and foremost a service-oriented agency, not merely a regulatory agency," Briceland emphasized a year ago in remarks before the Illinois Association of Water Pollution Control Engineers. "Our fundamental job is not to keep a scorecard of how many violations we have detected or how many lawsuits we have won. Rather, our job is to deal in the most effective way possible with solving pollution problems throughout the state. This means to me that we need to bridge the gap between regulations on the one hand and enforcement on the other. We must work hand in hand with people who have pollution problems and help them solve those problems wherever possible."

This attitude has upset persons who believe that clean air and water will only result from aggressive enforcement. Critics of Briceland like the Chicago-based activist group, Citizens for a Better Environment, feel that the conciliatory approach was discredited long ago. The early days of the antipollution effort in Illinois, environmentalists hold, should serve as a lesson for the present. When public alarm over pollution reached fever pitch in the 1960's, a handful of public health engineers with miniscule resources shouldered the awesome responsibility of reversing the results of decades of environmental neglect. Sometimes their efforts, often hampered by inadequate statutory authority, hinted of slapstick.

Early days against pollution

Old-timers in this field still recall the first significant attempt at prosecution by the old Illinois Air Pollution Control Board in 1966. Statutory limitations were almost as great an obstacle as "Bud" Brown himself when the board tried with much difficulty to stop open burning at Brown's Midway dump in the Illinois part of the St. Louis area. Midway was infamous as a source of pollution at the time.

Then, in 1968, the Illinois Auto Salvage Dealers Association scored a surprising victory — a temporary one as it turned out — by obtaining an injunction in Sangamon County Circuit Court against any enforcement at all of the old Air Pollution Control Act. Association members contended that the law interfered with their right to do business, which frequently meant unrestrained burning in salvage yards that clearly violated the old board's pollution abatement rules. A year after this decision, the old board was challenged by a legislative study committee created to study the state supervisory role in the implementation in Illinois of the federal

EPA officials contend that moderate steps forward have been discernible in the last several years in combating dirty air and water

regional air pollution control program. This was the same year, 1969, that the state attorney general's office, under Republican William J. Scott, made a full-scale commitment to the antipollution war on a ground that the then existing board on air pollution and its companion agency, the Sanitary Water Board, were not doing the job.

The Air Pollution Control Board reacted to all this by hastily announcing that it would seek legislation to permit temporary state control of industries that continually polluted. This far-reaching proposal got nowhere. The desperation of the board's proposal emphasized the need for strong legislation that would replace the old boards with the present agencies.

Clarence W. Klassen, an internationally known figure who had been the chief state sanitary engineer, was the first director of the new EPA. After seven months on the job Klassen was ousted by Ogilvie in favor of Blaser, a management consultant firm president with almost no background in the natural resources preservation field. Klassen was fired because he regarded negotiation and compromise as the answer in many pollution situations, especially those in which industries insisted that there was not sufficient technology to provide the required pollution controls.

A tiger for Ogilvie

Ogilvie assistants spread the word that the governor wanted a tiger at the EPA helm, and Blaser was not to disappoint Ogilvie. The agency's strict enforcement under Blaser — coupled with the imposition of unprecedented penalties by the Pollution Control Board — was applauded by environmentalists. Others were angry. Angry industrialists and mayors claimed they were subjected to unnecessary embarrassment because the state, they held, insisted on limiting its contact with cities and industries on pollution matters to adversary proceedings.

Blaser well may have been the most unpopular state official in those years, but the eventual target of the backlash was Ogilvie. It may have been a factor in Ogilvie's failure to win re-election in 1972. And, nobody was more aware of this than the man who defeated him, Dan Walker.

There have been no major new offensives against polluters under Walker, but there has been no backing off old fronts either. In one of the bitterest political struggles of 1973, the state coal industry pushed through the General Assembly a bill that would have prohibited for several years, and probably longer, the enforcement of state regulations aimed at limiting emissions of sulfur dioxide from the burning of Illinois coal. Walker vetoed the bill, and when an attempt to override the veto failed, operators of mines, utilities and many large plants were in a stew.

Veto by Walker

The EPA also had a big hand in helping to defeat a drive in 1974 to override Walker's veto of a bill that would have required studies of the economic impact of the state's existing and proposed regulations for protecting the environment. When he vetoed the measure, the governor expressed agreement with the contention of state antipollution officials that the bill was not needed, would be costly and, worst of all, might invite chaos because it could nullify the existing regulations.

The unsuccessful campaign by business and industrial chiefs to obtain a veto override provoked bitter verbal battles which showed that the relationship between the antipollution agencies and those they regulate is still anything but complacent. Business spokesmen left no doubt that the state agencies are considered major enemies of private commercial interests.

But, possibly more significant, the debate also produced signs that Briceland may be re-evaluating his opposition to the "big stick approach" to polluters.

"I regretfully must conclude," Briceland declared during a particularly heated segment of the debate, "that the sincere and good faith efforts which I have made in attempting to work constructively [with businessmen and industrialists] . . . have not been successful."

When they were asked to assess the progress of the antipollution program, both state officials and critics of the state effort maintain that a clear answer is not possible. EPA officials contend that moderate steps forward have been discernible the last several years in combatting dirty air and water. However, Dennis Adamczyk, the director of environmental research for Citizens for Better Environment, believes that the conciliatory approach set out by Briceland never will bring about enough reduction in pollutants to make environmental cleanliness a reality.

Ronald O'Connor, an EPA spokesman, has estimated that slightly more than 50 per cent of the roughly 19,000 sources of air pollution — ranging from large factories to what O'Connor called "the big store on the corner with an incinerator" — are in compliance with the state's regulations and requirements. Among other things, this means that their pollution-causing discharges are within allowable limits. Records show that the major sources of air pollution in Illinois remain the industrial complexes in Chicago, Peoria and Madison and St. Clair counties. Nevertheless, in spite of a partly unexplainable increase in particulate matter in the Granite City area in Madison County in 1973, O'Connor said that the fight against particulate pollution has progressed in many parts of the state. Adamczyk said that he would not argue with this assessment, but he countered that contamination of the air by sulfur dioxide, aggravated by the increasing conversion by power plants to coal, is presenting a growing, virtually unmet danger.

Water pollution

As for water pollution, the EPA estimates that there are nearly 5,000 major sources of potentially dirty effluent to streams. These include large sewage treatment plants and major factories. In addition, another roughly 45,000 smaller sources of water pollutants are covered by the state program. Of the major sources, O'Connor said that some 20 per cent were in complete compliance with state requirements at the start of 1975. The percentage should jump to nearly 90 per cent sometime in 1976, he contended, especially if the federal government proceeds with its announced plan to release some of the long-impounded federal funds intended for treatment plant improvements throughout the country. □

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By JAMES P. HARTNETT

Energy use profile for Illinois can guide conservation policy

ILLINOIS, an energy-rich state, has 5.4 per cent of the nation's population but accounts for a smaller share, 5.0 per cent, of the national energy usage. An "energy profile" comparing the use of energy on a per capita basis in Illinois and the United States shows that:

1. Illinois consumes less energy than the national average for industry (including agriculture) and transportation.

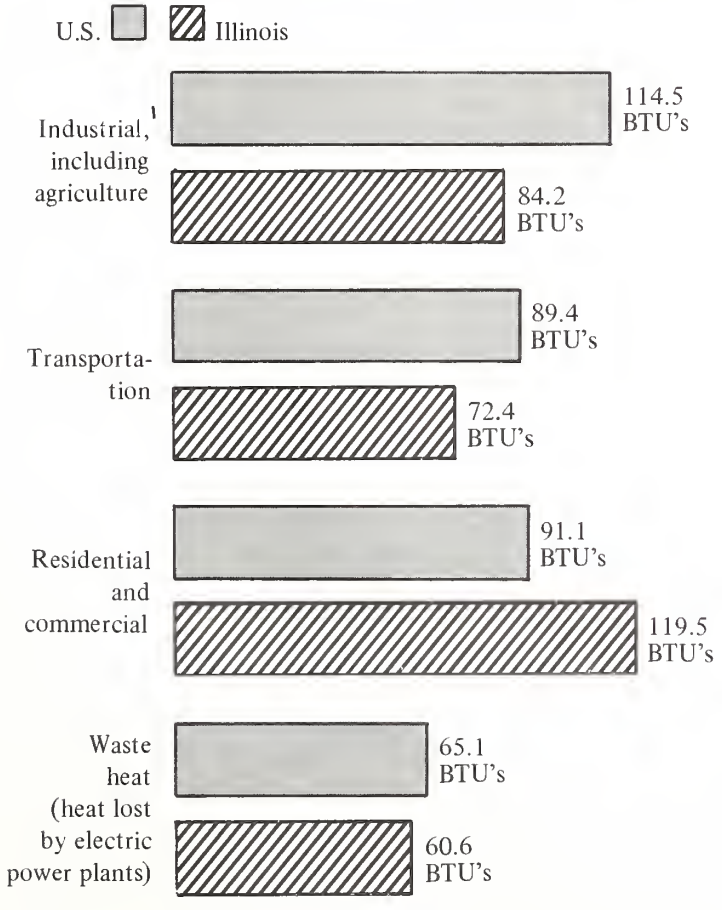
2. Illinois consumes more energy than the national average for residential and commercial purposes.

3. In total, Illinois consumes less energy than the national average.

Such a profile analyzing the pattern of energy use in the United States and in Illinois may suggest where there are significant possibilities for energy conservation. Figure A is an example of such a profile, illustrating the consumption of millions of BTU's per capita in 1973. (A BTU—British thermal unit—is the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit when the water is at or near 60° F. One million BTU's is the energy equivalent of seven gallons of petroleum.) Table 1 gives the data used in preparing Figure A; it provides data for 1971 through 1973.

Figure A

Per capita use of energy: a profile



NOTE: U.S. per capita total is 360.1 million BTU's; Illinois per capita total is 336.7 million BTU's.

Source: Table 1. Per capita use of energy, 1971-1973, in millions of BTU's.

Illinois compared to nation

Figure B presents a visual comparison of energy usage patterns in the United States and in Illinois. It is apparent from Figure B that in the United States as a whole transportation accounts for approximately 25 per cent of the energy used, industry for 32 per cent, residential and commercial for 25 per cent, and heat wasted in producing electricity, 18 per cent. Compared to the country as a whole, Illinois residents use a smaller share of their total energy for transportation (22 to 25 per cent), industrial purposes (25 to 32 per cent), and a much larger share for residential-commercial

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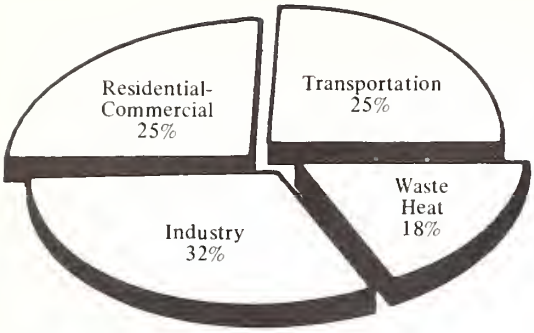
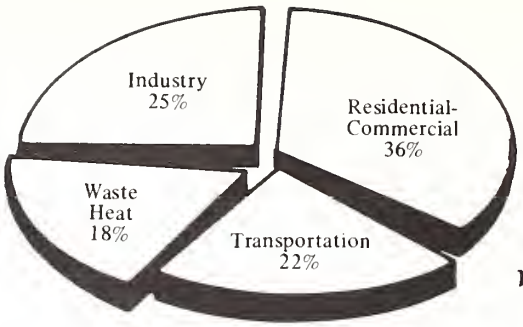


U.S.



Illinois

Figure B

Relative shares of energy consumed by various sectors, 1973

purposes (36 to 25 per cent).

The comparison of the transportation energy consumption is of particular significance and gives strong evidence of the importance of public transportation in energy conservation. According to Richard M. Michaels and Arnold B. Maltz (*Energy Problems in Illinois, Proceedings of the First Illinois Energy Conference*, 1973) 85 per cent of all work trips to Chicago are accomplished by public transportation. This fact undoubtedly accounts for a significant portion of the lower transportation energy consumption in Illinois. If Illinois residents used energy for transportation at the same level as the national average, an additional 80,000 barrels of oil per day would be needed. It can be concluded that the public transportation system in Illinois saves a considerable amount of our most scarce energy source, petroleum. Additional improvements and use of mass transportation could contribute significantly to the goal of energy independence by 1985.

To understand the industrial and residential-commercial statistics, one must look at the figures for the Gross State Product (GSP) for Illinois, shown in Table 2. These do not, of course, break down into sectors precisely corresponding to those given in Table 1. However, it is apparent that while manufacturing contributed almost $24 billion in 1973, the commercial activities represented in several of the other divisions contributed a higher figure. Comparing the U.S. Gross National Product (GNP) and the Illinois GSP reveals that commercial activities in Illinois represent a larger share statewide than in the nation. As a result, it is to be expected that commercial use of energy would be higher in Illinois than the national average. It is also reasonable to expect a higher residential use of energy since Illinois is colder than the nation as a whole.

The commercial-residential energy use figures for Illinois suggest that special attention should be given to space heating, lighting, and air conditioning if energy conservation measures are to have a significant impact in Illinois.

The figure for industrial use per capita in the state is lower than the national average. This is a surprising statistic since food, chemicals, metals, plastics, glass and paper—all high energy use activities—represent a large fraction of the industry in Illinois. If these figures are accurate (they are taken from the same source used by the Federal Energy Administration (FEA) Project Independence Study), they indicate that the industries of Illinois have been more energy-efficient than the majority of industries across the nation.

Table 1

Per capita use of energy, 1971-1973

(in millions of BTU's*)

	1971		1972		1973	
	U.S.	Ill.	U.S.	Ill.	U.S.	Ill.
Residential and commercial	84.1	111.8	87.3	114.8	91.1	119.5
Industrial**	107.3	77.9	110.7	81.4	114.5	84.2
Transportation	82.8	66.6	86.8	72.3	89.4	72.4
Waste heat from electric power	58.5	55.1	61.5	60.8	65.1	60.6
Totals	332.7	311.4	346.3	329.3	360.1	336.7

**One million BTU's is the energy equivalent of approximately 7 gallons of petroleum.*

***Includes agriculture.*

Sources: U.S. energy data—U.S. Department of the Interior. Illinois energy data—1971, 1972, Department of Interior; 1973 estimate based on sources given in Table 3. Population data—*Statistical Abstract of the U.S. 1974. U.S. Department of Commerce.*

Table 2

Estimated annual gross state product by contributing division in order of importance

(figures in millions of dollars)

	1970	1971	1972	1973
Gross State Product	**$60,216**	**$64,462**	**$69,758**	**$77,585**
1. Manufacturing	18,750	19,159	21,247	23,679
2. Wholesale and retail trade	10,429	11,169	11,640	12,472
3. Finance, insurance and real estate	7,978	8,784	9,315	10,309
4. Services and other	7,259	7,852	8,359	9,129
5. Government	5,696	6,281	6,832	7,299
6. Transportation, communication and utilities	5,263	5,840	6,538	7,042
7. Contract construction	3,075	3,431	3,440	3,786
8. Farming	1,357	1,544	1,968	3,425
9. Mining	409	402	419	444

Source: *Illinois Economic Data Book, 1973,* Illinois Department of Business and Economic Development.

Fuel sources for Illinois

On a percentage basis, Illinois uses more coal and nuclear power and less oil and natural gas than the rest of the nation, as shown in Figure C. Even so, coal accounts for only approximately one-quarter of the energy produced in he state, as shown in Table 3. This is a

Table 3

Sources of Illinois energy for 1973 (estimates)

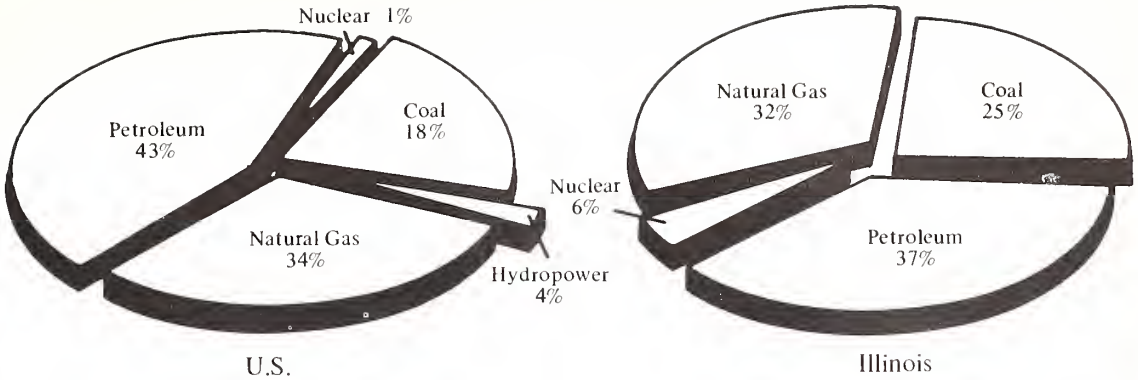
	BTU's (trillions)	*Per cent of total*
Oil[1]	1394.5	36.9
Natural Gas[2]	1199.9	31.7
Coal[3]	964.9	25.5
Nuclear[4]	224.4	5.9
Totals	3783.7	100.0

Sources:

1. Estimation based on data from:
   a. *Weekly Statistical Bulletin,* American Petroleum Institute.
   b. *Mineral Industry Surveys—Sales of Fuel Oil & Kerosine in 1973,* Department of Interior.
   c. Office of Fuel & Energy Coordinator, State of Illinois.
   d. James Diehl, Department of Interior.
2. *Mineral Industry Surveys—Natural Gas Production & Consumption: 1973,* Department of Interior.
3. Federal Energy Administration.
4. *Report of the Illinois Fuels & Energy Board, April 23, 1974*

Figure C

Relative shares of energy consumption from various sources, 1973



relatively low figure when the fact is considered that Illinois has 150 billion tons of coal. Illinois has the largest bituminous coal reserves in the nation. At the rate of energy used in 1973, Illinois coal could fuel the state for 1,000 years. Unfortunately, Illinois coal is the high sulfur variety and environmental restrictions have limited its use. However, the increasing cost of oil and natural gas plus the vulnerability of the United States to embargo by Arab oil nations has encouraged our nation to turn to coal as a major source of energy.

A number of techniques are available for removing the sulfur from coal. Most of these, however, require additional development. These techniques include "scrubbers," fluidized bed combustion processes, and coal gasification and liquefaction.

Debate over Illinois coal

The use of so-called "scrubbers" to remove the noxious chemicals from the gases resulting from the combustion of coal is a highly controversial approach. The advantage of these devices, which are very expensive, is that they can be installed on existing power plants. But, most of the electrical utilities have questioned their effectiveness in removing sulfur. On the other side, the U.S. Environmental Protection Agency insists that scrubbers are effective. Agreement on both sides that scrubbers are performing effectively would mean that Illinois coal could be burned in existing power plants without harmful environmental effects.

Sulfur can also, in principle, be removed during the combustion process, and power plants of the future will undoubtedly use fluidized bed combustion processes that will do this.

Coal gasification and coal liquefaction are processes which use coal as a primary fuel to produce clean alternative fuels, i.e., gasoline, heating fuel, etc. The undesirable chemicals, such as sulfur, are removed during the gasification or liquefaction process. One can expect to see coal gasification and coal liquefaction plants in Illinois during the 1980's. Such plants are not without drawbacks and attention must be paid to the environmental effects of such installations. For example, such plants have substantial water requirements (10 million gallons per day for a standard size plant), and special care must be taken to protect the water supply of the region. Finally, it must be pointed out that these conversion processes are only 60 to 70 per cent efficient (i.e., 30 to 40 per cent of the original energy content of the coal is lost in the process). Notwithstanding these drawbacks, coal gasification and liquefaction processes do provide a flexibility that our current energy system does not possess.

Looking ahead, it is possible to see Illinois coal providing energy to maintain an adequate supply of pipeline gas, gasoline, heating oil, and jet fuel for our state and for the region. Electric power will still be required in large quantities, and Illinois coal burned as "coal" in clean power plants of the future will provide a large portion of our electrical power production.

Role of nuclear energy

A review of energy sources in Illinois would be incomplete without special mention of the major role of nuclear energy in providing electrical power for the state. In 1974, over one-third of all the electrical power produced by Commonwealth Edison (which serves the Chicago and northern Illinois area) was generated in nuclear power plants. If adequate funding is forthcoming and if the citizens of Illinois remain convinced of the safety of nuclear power, we can expect to see an increasing share of electrical power produced by nuclear generating plants. Thus uranium and coal will provide the total electrical energy needs of Illinois, leaving natural gas and oil for other purposes.

More efficient use of energy

Although Illinois has a good record in energy use, it is clear that higher prices, new legislation and increased citizen sensitivity will result in additional improvement in the efficient use of energy. Increased gasoline prices—especially if combined with improved mass transportation—will move many people out of their personal automobiles and onto subways and buses with a consequent decrease in gasoline consumption. Improvement in railroad services and increased use of rail, barge, and pipeline for freight transportation will also contribute greatly to an energy efficient transportation system.

Special attention should be given to the residential-commercial sector since it represents such a large share of the energy used in the state (Figure B). If energy is to be conserved, standards should be set for insulation, lighting, and ventilation for all new homes and commercial buildings. Incentives should be provided to encourage existing home and office owners to insulate their buildings properly. The use of heat pumps and solar heating and cooling systems should be encouraged wherever feasible, and federal or state assistance should be provided to accelerate these developments.

To save energy in the industrial sector, the use of steam and heat for industrial processes should be scrutinized carefully to eliminate unnecessary losses. Wherever possible, coal should replace oil or natural gas with the restriction that such substitution should not endanger public health. Appropriate siting of industrial parks and

power generating plants would permit the use of waste heat for productive purposes.

If these conservation measures are taken, the rate of increase of energy consumed in Illinois will fall from its current annual value of 4 to 5 per cent a year, to a value between 2 and 2.7 per cent a year as depicted in Figure D. The 2.7 per cent figure is the growth figure predicted for the United States by the FEA Project Independence Study if the cost of imported oil remains high. A 2.0 per cent energy growth rate is predicted if high oil prices are compensated for somewhat by a successful conservation program. Obviously, a lower price for imported oil would tend to drive this growth rate up. At the higher growth rate Illinois would be using 5200 trillion BTU's in 1985 compared to approximately 3800 trillion BTU's in 1973, whereas the 2 per cent energy growth rate would result in a requirement for 4800 trillion BTU's in 1985.

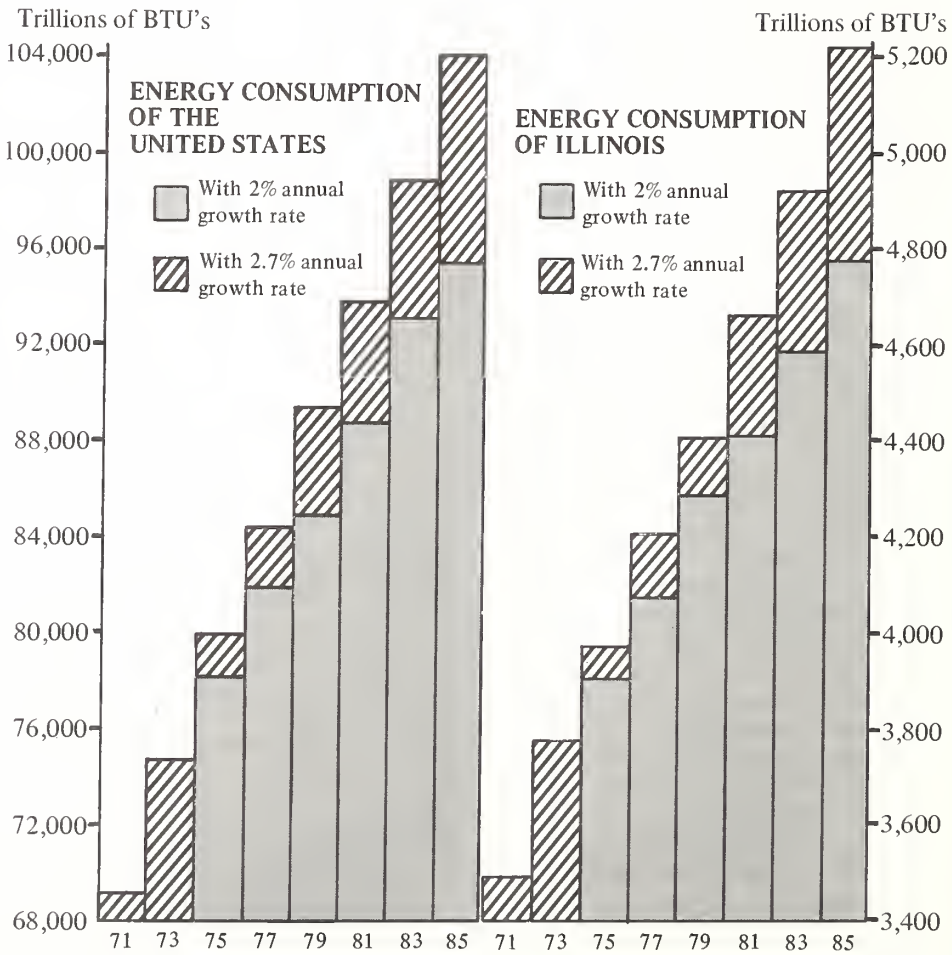
Energy and economy

The FEA Project Independence report predicts that the 2.7 per cent annual energy growth will give rise to a corresponding 3.2 per cent increase in the GNP. If this estimate is used for Illinois, the Gross State Product will reach a value of $74 billion in 1985, approximately one and one-half times as large as the 1973 figure.

There is no question that the current energy crisis will have a serious impact on all segments of Illinois society. However, our past performance in the utilization of energy, coupled with the tremendous natural resources of the state, particularly coal and water, give reason to believe that Illinois will be able to effect additional economies in the use of energy. At the same time, the state's industrial and commercial productivity should increase without sacrificing the environment. □

Figure D

Actual and projected energy consumption with different annual growth rates 1971-1985



EDITOR'S NOTE: The following article on nuclear energy development in the United States and Illinois is the result of one of Sangamon State University's "Public Affairs Colloquia." These are laboratory courses in which students test and apply the knowledge and skills gained from academic endeavors to real world problems. The colloquium, from May 19 to June 12, 1975, examined the various benefits, problems and alternatives associated with nuclear energy development now and in the future. Participants included: Kevin Dickerson, Dennis Hoerner, Chandana Nandi, Marvin Piersall, Susan Roscetti and Cheryl Sgro. The views expressed reflect conclusions of the colloquium.

Long-range energy planning includes the option of generating power by nuclear fission. It is a controversial option because of safety hazards. But, nuclear power provides 7.9% of the nation's electricity, and in Illinois the percentage is much higher—about 25%

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By WILLIAM H. RAUCKHORST

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The Nuclear Option

THE MERITS of generating power by nuclear fission is an enormously controversial question in the United States at present. Views on the subject range from pleas for immediate shutdown of existing reactors to a call for their rapid proliferation and the speedy research and development of the new breeder reactor. The current controversy, of course, takes place within a radically different context than in previous years. In the past, energy planning was viewed exclusively as the business of private energy companies and special governmental agencies. Environmental concerns and present energy shortages have made energy planning a major concern of the general public. There is much talk of the need for long-range decisions regarding this or that energy option. Perhaps the most debated of these options is the nuclear energy option—the use of enriched uranium to produce electrical power.

Some difficult questions

Alvin Weinberg has pointed out in *Science* magazine (July 7, 1972) that Ernest Rutherford himself, the discoverer of the nucleus, expressed mixed feelings over the years about nuclear power. In 1921 Rutherford said, "The [human] race may date its development from the day of the discovery of a method of utilizing atomic energy." By 1933, however, he was saying: "We cannot control atomic energy to an extent which would be of any value commercially, and I believe we are not likely ever to be able to do so." In 1936, Rutherford wrote: "The recent discovery of the neutron and proof of its extraordinary effectiveness in producing transmutations at very low velocities opens up new possibilities."

Present day questions concerning nuclear power center around safety. Critics of nuclear power fear the accidental release of radiation at power plants, during the transportation of radioactive fuel, and in waste disposal (see February, pp. 39 and 40). They point also to the difficulties of handling the huge amounts of plutonium required for the breeder reactor of the future. In the past, critics of nuclear power have considered it as an isolated question, distinct from the total energy question. Proponents of nuclear power, on the other hand, cite a host of studies whose central theme is the need to weigh nuclear risks with the hazards associated with more traditional methods of energy production. One article in the magazine *Nuclear Safety* (Summer 1964) showed that besides the environmental costs associated with mining coal and offshore drilling of oil, approximately 19,000 deaths per year in the United States could be attributed to the use of coal and oil. R. Philip Hammond notes in *American Scientist* (March-April 1974) that a modern nuclear power plant, displacing one per cent of United States coal consumption, can thus be credited with saving 190 lives per year, or 5,700 lives over the 30-year life of the plant. Even Ralph Nader would be hard pressed to argue that a nuclear power plant, on the average, could be as destructive of human life as the production of energy from coal and oil. Nuclear proponents also point to the lack of carbon dioxide emissions from a nuclear plant. They say that if you want to worry about a large catastrophe due to energy production, consider the long-range effects of the carbon dioxide buildup in the atmosphere resulting from burning of fossil fuels, including coal, oil, and natural gas.

Zero energy growth

The most thoughtful and reasonable call for nuclear curtailment is *A Time*

An energy masterplan should go beyond the immediate objective of meeting next month's or next year's energy demands. Failure to enact significant energy legislation in Illinois and in the United States is a result of our more basic failure to develop such a masterplan

to Choose, the final product of the Ford Foundation's Energy Policy Project. As contrasted with earlier criticisms of nuclear development, the Ford study outlines in detail possible alternatives to nuclear development. The spirit of the Ford study is indicated in the following excerpt:

> "Drift is surely the worst of the alternatives before us. No one can foresee everything the future holds, and plans must change as new circumstances arise. But a sense of direction for energy policy is essential because many decisions must mesh consistently together, and because it takes a long time to make things happen in the energy world. For example, it takes a minimum of three years to build an oil refinery; it takes three to five years to locate a new off-shore oil field and bring it into production; and it may take as long as ten years to plan and build a nuclear power plant. Fundamental to any such plans are decisions about the size of the energy supply the country needs." (*A Time to Choose*, Ford Foundation Energy Policy Project, Ballinger Publishing Co., 1974.)

Three scenarios

A Time to Choose considers three possible energy scenarios for the United States: (1) Historical Growth, (2) Technical Fix, and (3) Zero Energy Growth (ZEG). The Historical Growth scenario has United States energy consumption continuing to grow at an annual rate of 3.4 per cent. Meeting the energy requirements for this scenario clearly necessitates a rapid development of all available energy resources, including nuclear. Present energy development plans within the United States have been based upon this scenario and have included an enormous nuclear commitment.

The 'if's'

In the Technical Fix scenario, annual energy consumption increases at a reduced rate of 1.9 per cent per year between now and the year 2000. One important conclusion of the Ford study is that this reduction in energy consumption can be accomplished without adversely affecting Gross National Product (GNP) or employment. What would be required is improved efficiencies in our energy usage in major areas such as home heating and cooling and transportation. The study concludes that this scenario provides considerable flexibility to energy planners. Insistence upon energy self-sufficiency would still require considerable expansion of nuclear generating capability. If energy self-sufficiency were not a major concern, the United States could meet its needs with a combination of increased oil imports, natural gas, and greater reliance on coal.

The ZEG scenario follows the Technical Fix scenario to 1985, and then assumes a leveling off of consumption around 1990. Strong national policies and commitment would be required to achieve Zero Energy Growth without drastic economic effects. The Ford study concludes that careful long-range planning can achieve this goal without adverse effects on GNP and employment. The Ford study says, however, that to reach this goal no expansion of nuclear capability between now and 2000 is necessary.

United States energy masterplan

It is becoming more and more apparent that the United States needs to develop a coherent, meaningful energy masterplan for the future. By definition, this masterplan should go beyond the immediate objective of meeting next month's or next year's energy demands. Failure to enact significant energy legislation in Illinois and in the United States is a result of our more basic failure to develop such a masterplan. The isolated development of federal and state policies in particular energy areas can do as much harm as good in the long run. The United States should advocate, develop and adopt a far-sighted national energy masterplan in the spirit of *A Time to Choose*.

Nuclear development and ZEG

Although the opinion of the Ford study is that the United States could still meet its energy needs under a ZEG scenario without increasing its nuclear power capacity, there are several reasons why nuclear development should proceed at this time. Most obvious is the fact that politics and economics are both imperfect sciences and the kind of long-term energy policies required for Zero Energy Growth may be difficult to implement. Until we make substantial progress toward achieving ZEG, nuclear development should be an essential ingredient in our energy plan. In the event the ZEG is achieved by 1990, the whole range of options regarding choices among fossil fuels, nuclear, and alternative sources such as solar energy could be reconsidered. The situation in 1990 may be considerably different than it is today.

A fundamental goal

While continued development of nuclear energy is needed, ZEG should be a fundamental goal of our national energy policy. In view of the many safety problems connected with the complex new breeder reactors not encountered with existing light water reactors, the wise course may be to proceed modestly on development of this newer type while continuing the establishment of the older, safer light water reactor plants. However this issue is resolved, ZEG is an essential component of a solution to the nation's and the world's energy problems. If energy consumption does not level off, the environmental effects will be disastrous. Too few U.S. citizens are aware that a three per cent annual rate of energy growth will result in a 19-fold increase in a century.

Nuclear power in Illinois

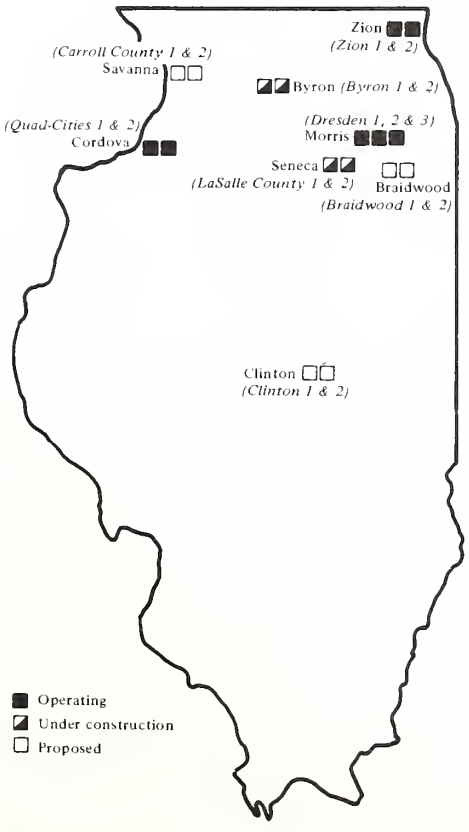
ENERGY CONSUMPTION in the United States is growing rapidly, doubling in the past 20 years. In 1970 Americans gobbled up more than one-third of the energy produced in the world. Illinois participates fully in this high energy-consuming way of life. In terms of energy consumption per capita, Illinois is slightly below the national average (see June, pp. 168-71 for figures).

While Illinois' energy use is not out of line with the national pattern, its reliance on nuclear power is disproportionate. Nationally, 7.9 per cent of electricity is generated by nuclear power. In Illinois approximately 25 per cent of the electrical generating capacity comes from nuclear plants. This accounts for about 15 per cent of the nuclear capacity operating in the United States today. Commonwealth Edison has been a pioneer in the nuclear area, with three nuclear units at Dresden Station, two at the Quad Cities, and two units at Zion, bringing the total to approximately 5,500 megawatts. An additional 11,000 megawatts will come from 10 units under construction or planned for the state, including two at Clinton by Illinois Power Company (see map). Most of the ordered capacity is scheduled for operation by the early 1980's. If projections are accurate, more than half of Illinois' electricity at that time will be generated by nuclear power. Pennsylvania is the only other state with as large a commitment to nuclear power.

Nuclear power plants are not isolated, self-supporting units. There is a whole sequence of steps in the production process: mining, milling, fuel enrichment, power production, fuel reprocessing, and waste disposal. The state of Illinois is deeply involved in this industry. Allied Chemical Corporation at Metropolis operates the largest privately owned uranium conversion plant in the world. This conversion plant converts U_3O_8, the refined product obtained from uranium mills, to UF_6 gas. This conversion plant began operation in January 1969. It has an annual capacity of 14,000 tons of uranium, enough to supply our annual national needs through 1975.

General Electric has constructed a nuclear fuel recovery plant adjacent to the Dresden reactors. Difficulties encountered in the recovery process have left the future of the plant in doubt. The irradiated fuel reprocessing plant was designed to handle 300 metric tons of discharged reactor fuel annually, which is adequate to process the fuel discharged from approximately 10,000 megawatts of nuclear capacity. At full capacity, it is estimated this plant would conserve $12,000,000 worth of uranium annually. Approximately 2,000 kilograms of plutonium will be recovered annually.

The state's nuclear stake means that decisions on the country's energy options will be directly influenced by the performance of Illinois nuclear plants, now and in the future.□



Nuclear Power Reactors in Illinois

Site	Plant name	Capacity (net megawatts)	Utility	Commercial operation
Morris	Dresden Nuclear Power Station: Unit 1	200	Commonwealth Edison Co.	1960
Morris	Dresden Nuclear Power Station: Unit 2	809	Commonwealth Edison Co.	1970
Morris	Dresden Nuclear Power Station: Unit 3	809	Commonwealth Edison Co.	1971
Zion	Zion Nuclear Plant: Unit 1	1,050	Commonwealth Edison Co.	1973
Zion	Zion Nuclear Plant: Unit 2	1,050	Commonwealth Edison Co.	1974
Cordova	Quad-Cities Station: Unit 1	800	Commonwealth Edison Co. Iowa-Illinois Gas & Electric Co.	1972
Cordova	Quad-Cities Station: Unit 2	800	Commonwealth Edison Co. Iowa-Illinois Gas & Electric Co.	1972
Seneca	LaSalle County Nuclear Station: Unit 1	1,078	Commonwealth Edison Co.-Iowa	1978
Seneca	LaSalle County Nuclear Station: Unit 2	1,078	Commonwealth Edison Co.-Iowa	1979
Byron	Byron Station: Unit 1	1,120	Commonwealth Edison Co.	1980
Byron	Byron Station: Unit 2	1,120	Commonwealth Edison Co.	1981
Braidwood	Braidwood: Unit 1	1,200	Commonwealth Edison Co.	1980
Braidwood	Braidwood: Unit 2	1,200	Commonwealth Edison Co.	1981
Clinton	Clinton Nuclear Power Plant: Unit 1	955	Illinois Power Co.	1980
Clinton	Clinton Nuclear Power Plant: Unit 2	955	Illinois Power Co.	1982
Savanna	Carroll County Plant: Unit 1	1,150	Commonwealth Edison Co.	1984
Savanna	Carroll County Plant: Unit 2	1,150	Commonwealth Edison Co.	1985

Reprinted from Illinois Issues, October 1975

By DONALD S. KLINE

Solid black gold: Illinois' coal and America's energy-economy-ecology dilemma

ON A CLEAR DAY, if you look carefully south from the State Capitol in Springfield you can see the twin, 500-foot stacks of the Kincaid power plant of Commonwealth Edison. The stacks and the plant are, in many ways, symbols of what *The New York Times* called America's "energy-economy-ecology" (EEE) dilemma.

A problem of systems

There is a growing awareness and, indeed, consensus among decision-makers in both public and private organizations that the reductionist, fragmented way of viewing the world, people and problems will not do for the 1980's. In the last four years there has been a shift in values in our society from what scholar George Cabot Lodge calls "scientific specialization and fragmentation" to "a new consciousness of the interrelatedness of all things." In applying this systems approach, if one takes the long view of the solution to energy dilemma of the United States, the inevitable answer is atomic fusion power and solar power. These are 21st century solutions. I and many of you reading this will probably be dead by then. But how do we cope with energy demands of the next five or twenty-five years? In the short run, it appears that we will have to rely on some uncertain combinations of oil, gas, and—most important—coal.

But there are problems. U.S. production of crude oil topped out in 1970 and has been declining since. As energy demand increased during the 1960's, the necessary increase in oil imports gave the oil exporting nations (OPEC) an increased share of power in the global market place. Thus, the 1973 embargo and the establishment of the oil cartel has resulted in an historically unprecedented, massive shift of wealth from the United States, Japan and Western Europe to the oil exporters. The World Bank estimates that, at current prices, the cumulative wealth shift will amount to hundreds of billions of dollars by 1980.

Since this massive outflow could not be tolerated by our present financial system, "Project Independence" was articulated by President Nixon as a necessary solution. The notion of independence from Mideast oil sources has been further pursued by President Ford in his 1975 economic messages.

The short-term solution to the high cost of foreign oil lies in (1) the rapid development of existing domestic coal reserves and (2) a stimulus to U.S. offshore explorations for oil and gas. Obviously, the former is of greatest concern for Illinois.

Coal in Illinois

In 1973 coal production in the United States was just under 60 million tons. Of this, some 380 million tons came from just four states: Kentucky (127 million tons), West Virginia (115), Pennsylvania (77) and Illinois (62). But, future coal production comes from present estimated reserves. The table shows coal reserves, defined as coal in seams more than 28 inches thick if located deeper than 150 feet and in seams more than 18 inches if located 150 feet deep or less.

Coal deposits vary in quality from high energy anthracite to low energy lignite with the varieties of bituminous in between. As the table shows, lower energy coal (sub-bituminous and lignite) tends to be located in the states west of the Mississippi and high energy coal (anthracite and bituminous) in the states east of the Mississippi. Since the area of greatest industrial activity in the United States lies east of the Mississippi, this situation would appear favorable. But much of the high energy coal in the East contains high percentages of sulfur (see the chart on page 305), and sulfur is just what federal and state environmental officials say must not be released into the atmosphere in large quantities. Eastern industry then needs low sulfur Western coal, but these industries obviously are not pleased with the coal's relatively low energy content, not to speak of the transportation costs involved.

Currently, alternative solutions to this problem are complicated by two factors. First, on June 1, 1975, new air pollution standards went into effect. Second, a strip-mining bill, passed by Congress for the second time, was vetoed by President Ford for the second time. On June 10, 1975, the House of Representatives failed to override the President's veto by three votes.

Taking into account these two constraints, some of the alternative solutions to the EEE dilemma may be viewed as short-term and temporary. Low sulfur coal can be imported, at a high cost, from Montana. High sulfur Illinois coal can be "washed," to a degree to remove sulfur, before it is burned. Stacks can be built, at great expense, to the 800-foot level in order to dissipate emissions over a wider area. Other solutions are longer term and even higher in cost. Gas scrubbers can be installed. High sulfur coal can be gasified or liquified at the mine mouth.

Illinois coal is high sulfur

Most of Illinois' vast bituminous reserves have a high sulfur content. As noted above, high energy coals seem to be high sulfur coals and vice versa. The

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The short-term solution to the energy crisis may be coal, and Illinois has 140 billion tons in reserve near the nation's industries. But, there is a dilemma. Examine the case of Kincaid power plant and Peabody #10 mine

energy demands of the country are often in conflict with its environmental requirements, but never more so than in the matter of coal. When the Clean Air Act of 1972 was partially implemented in June of this year, high sulfur coal could still be *mined* at Peabody Coal Company's #10 mine just west of the Kincaid plant, but could not be *burned* at the plant. What can the State of Illinois and Commonwealth Edison do about this perplexing situation?

Kincaid fossil fuel plant

The case for or against coal can be clarified by examining the specific case of the Kincaid power plant and the nearby Peabody Coal Company #10 mine. It is necessary to look at the Kincaid plant in greater detail, both in terms of its similarities to and differences from other fossil fuel plants within the Commonwealth Edison system. Consider the similarities.

Kincaid, like all fossil fuel plants, generates large amounts of ash. Bottom ash is easily and periodically shoveled out of the boilers. Airborne fly ash is a different problem. All coal fired units have installed electrostatic precipitators which act as giant magnets in attracting ash particles. These devices remove 98 per cent of the fly ash. In newer installations the precipitators are above 99 per cent effective.

Coal-burning plants like Kincaid also face the problem of sulfur oxide emissions. Different grades of coal contain varying amounts of sulfur, as the chart shows. Some plants have switched to lower sulfur Western U.S. coal; others have installed gas-stack "scrubbers."

Another similarity of Kincaid and all fossil plants is their balanced draft boiler operations. OSHA (Occupational Safety and Health Act) legislation required these improvements to eliminate gases from the boiler room. This is an obvious gain in plant safety.

The Kincaid plant is also unique in several respects. First, Kincaid serves as a link to other regional U.S. electric power generating systems within MAIN (Mid-America Interconnected Network). The plant was built to and stands ready to handle excess energy demand from the South and East (American Electric Power system), the West (St. Louis system), and from the North (Commonwealth Edison).

Second, Kincaid gets its entire supply of coal from the Peabody Coal Company #10 mine located just a few miles to the west. This mine is the largest in the world in terms of total tonnage taken out of one hole. By early 1974, after 23 years of operation, 100 million tons of coal had been mined. The average seam thickness is six feet and the depth of the mine below ground surface averages 300 feet. The length of the mine is 12 miles, and a 30-mile continuous conveyor belt allows direct movement of the coal from the mine to the Kincaid plant. The recovery rate of coal at Peabody is 52 per cent (compared with about 75 per cent in the strip mining operations of the West), but the remaining coal could be recovered via coal gasification at the mine mouth. Within the last six months a "Serpentix" system has been installed to allow the *direct* transfer of coal from the mine

Coal reserves by thirteen leading states by energy category, estimated 1965 (Billion short tons—2,000 pounds)

Western states	Anthracite	Bituminous	Sub-Bituminous	Lignite	Total
North Dakota	—	—	—	351	351
Montana	—	79	132	87	298
Wyoming	—	13	108	—	121
Alaska	2	21	71	—	94
Colorado	—	62	18	—	80
Missouri	—	79	—	—	79
New Mexico	—	11	51	—	62
Subtotal	**2**	**265**	**380**	**438**	**1,085**
% of U.S.	**13%**	**36%**	**98%**	**98%**	**69%**
Eastern states					
Illinois	—	140	—	—	140
West Virginia	—	103	—	—	103
Pennsylvania	12	58	—	—	70
Kentucky	—	66	—	—	66
Ohio	—	42	—	—	42
Indiana	—	35	—	—	35
Subtotal	**12**	**444**	—	—	**456**
% of U.S.	**80%**	**61%**	—	—	**29%**
Thirteen states					
Subtotal	**14**	**709**	**380**	**438**	**1,541**
% of U.S.	**93%**	**97%**	**98%**	**98%**	**98%**
TOTAL U.S.	**15**	**729**	**388**	**448**	**1,580**

SOURCE: National Air Pollution Control Administration Pub. No., AP-52, 1969.

Coal-fired plants will have to meet federal standards on sulfur oxide emissions. Their choice is between importing low sulfur, low energy coal from the West or using Eastern high sulfur, high energy coal, but only after investing in a method to decrease the sulfur

face to the continuous conveyor. Such a system can now move coal around right angles within the mine, something not possible before the "Serpentix" installation.

The Kincaid plant uses some four million tons of high (about 4.2 per cent) sulfur, bituminous coal a year from the mine. This unique marriage of Kincaid and Peabody #10 provides some insulation against the need to import Western coal *if* (a) Kincaid receives a continuance of its emissions variance already granted by both federal and state environmental protection agencies, *or* (b) a coal gasification process can be installed.

Third, the function of the Kincaid plant is to "bulk transmit" electricity out of its own generating area. Other fossil plants in the Commonwealth systems were built in the areas they serve (e.g. the Powerton plant at Pekin). The Kincaid plant was built in 1967 at a cost of about $145 million, specifically to tie into the MAIN system. Because of this, extra miles of high voltage transmission lines had to be erected—345,000 volt lines into the MAIN network and 765,000 volt lines feeding into other transmission systems. Because so many other areas are dependent on Kincaid's power, it illustrates perfectly Lodge's point about "the interrelatedness of all things."

Finally, the Kincaid plant has its own cooling lake—Lake Sangchris.

There are no easy solutions

The federal EPA has established desired air standards for sulfur oxide emissions at two levels: (1) primary standards to protect public *health* at .03 parts per sulfur oxide for one million parts of air; and (2) secondary standards to protect public *welfare* at .02 parts of sulfur oxide per one million parts air. The "health" standard of .03 parts per million went into effect on June 1, 1975. This controls 90 per cent of all sulfur oxide emissions.

The Kincaid plant is the only fossil plant in the Commonwealth system which does not at present "wash" coal burned to reduce sulfur content. Early in 1975, the company obtained a "variance" to operate the Kincaid plant in the face of new sulfur oxide emission standards coming into effect in June. By the spring of 1976, it is planned that all coal from Peabody #10 burned at Kincaid will be "washed." This will reduce the sulfur content by 0.6 to 0.8 of one per cent—close to the maximum permissible level under the new legislation.

Five courses to follow

Given the new federal emission standards, there are basically five courses of action for coal-fired plants: (1) burn low sulfur (less than 1 per cent content); import low energy coal from the Western states; (2) "wash" Illinois high sulfur coal to reduce sulfur content; (3) go to intermittent control systems of tall (over 800-foot) stacks; (4) rapidly install costly gas "scrubbers"; (5) remove sulfur by a "front-end" process of coal gasification or liquefaction (conversion to low sulfur oil).

Course of action No. 1 means that, as, the chart shows, much of Illinois bituminous coal cannot be burned and low sulfur coal must be imported at high cost. People in Illinois get clean air. What do people in Montana get? Here is the essential and crucial nature of a systems approach to the problem. Strategic decisions must be made which optimize benefits to society as a whole. The strip mining of Western coal for the benefit of Eastern states would have an unknown but significant impact on the fragile ecology of the great prairie states. The second veto of the strip mining bill by President Ford recently—he said we need the coal—may very well result in Congress passing an even stronger bill by a margin that is veto-proof. The great argument was over how much coal production would be lost if the bill were passed. No one can know that. At this time, there are no plans to import Western coal for burning in the Kincaid plant. At present rates Peabody can produce coal steadily until 2070 A.D.

Course of action No. 2, "washing," as mentioned above, is to be implemented by spring of 1976. It is a solution which is uniquely suited to Kincaid. Peabody coal will still be shuttled by conveyor directly from the mine to the boilers, but it will be washed en route. However, "washing" coal will take large amounts of water, water which, starting in 1980 may be supplied by Lake Springfield II, presently in the planning stage. Furthermore, there are problems of potential water pollution and solid waste disposal with regard to the large amounts of toxic substances which would be "washed" out of the coal.

Course of action No. 3, 800-foot stacks, may *appear* to be the best solution, but in reality it only substitutes one problem for another. Pushing the sulfur oxide emissions to very high altitudes by the use of these tall stacks merely removes the pollutants from one small geographic area (Springfield) to another (depending upon prevailing winds—Eastern Illinois, Indiana, Northern Kentucky). This course of action may permit the burning of Peabody high sulfur coal and therefore aid the economy of the state by providing energy. This is the benefit, but the systems approach to the EEE dilemma requires that the cost to other parts of the system be considered as well as the costs to society as a whole. A few years ago, when Apollo astronauts flew over the United States they commented that large parts of the entire Colorado plateau were hidden not by nature's clouds but by man's smog. One explanation for the smog was the burning of coal in huge thermal generating plants in the Four Corners section of the Southwest to furnish electricity to the Los Angeles basin. Los Angeles had earlier decided that it did not want the pollutants in *its* air. In the finite system of our planet—referred to as Spaceship Earth—one of the basic laws of ecology is that "everything has to go somewhere."

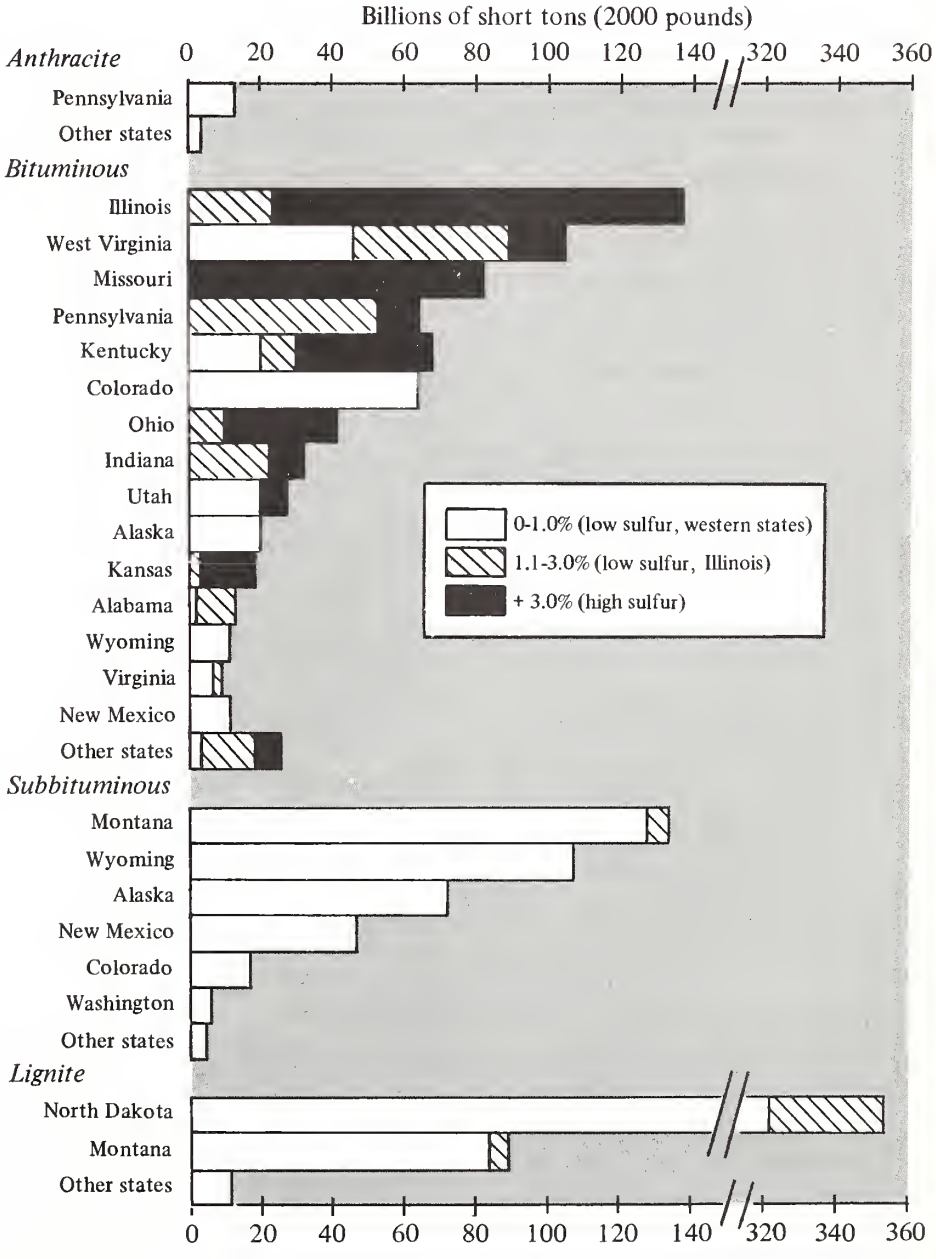
Course of action No. 4, the "gas scrubber," is currently a source of great controversy. The federal EPA has stated that "gas scrubbers" are the "most immediately promising control system for sulfur dioxide." The issue is, like most today, technically complex. First, chemicals such as calcium sulfate and calcium sulfite are formed in the scrubbing or washing process. These "outputs" of the process plug spray nozzles and valves and every few days must be removed by high pressure hoses or even a man with a hammer. In some extreme cases plant shutdowns are required. Second, sludge by-products must be disposed of. This sludge contains high concentrations of sulfur and there is a strong probability that it will seep from the disposal beds into underlying water tables. Also, shipping sludge from urban areas is quite costly. Thus, air pollution could be—given unknown lag times—converted into dangerous water pollution. The question of the gas scrubber also arose in a controversy between City Water Light and Power (CWLP) in Springfield and the Illinois EPA over the construction of the Dallman III fossil fuel plant. One difference between CWLP and Commonwealth Edison is that, by Illinois law, publicly owned utilities like CWLP can burn only Illinois coal.

Still other problems

Course of action No. 5, gasification or liquefaction, appears to be no better and may even be far worse depending on *what kind* of coal or lignite is gasified or liquified *at which location*. One obvious possibility is to gasify the subbituminous and lignite at the mine mouth in Montana and Wyoming. Two ecological problems emerge. The first is the devastation to the fragile lands mentioned earlier. Secondly, massive amounts of water are required for the gasification or liquefaction process. The water needed for a network of, say 50 of these plants, would very rapidly begin to compete with the agricultural water needs of the vast Western wheatlands. Further, as the water is circulated through the degasification system it too has to be purified or else it will rapidly contribute to water pollution in those lands. On the other hand if the "front-end" gasification of liquefaction process were to take place in Illinois, the water requirements could be more easily met.

There are many other problems surrounding the EEE dilemma not the least of which is capital financing. In February 1975, Commonwealth Edison announced cancellation of plans to build coal gasification facilities at both the Powerton (Pekin) and Kincaid stations. To attach gasification systems to the four generating stations at the two sites would cost $1.7 billion—three times the estimated cost of a year earlier. Said James Fancher, director of air quality for Commonwealth Edison, "We still believe large scale coal gasification will prove to be technically and economically feasible if time is allowed for its orderly development. But it is clear that installing such systems on a crash basis during early stages of the technology would not be prudent." Mr. F.E. "Bud" Stauffer, superintendent of the Kincaid station, concurred, saying, "Gasifiers are not far enough along to process soft coal—a lot has to be learned." □

Figure 1. Sulfur content of estimated coal reserves in the United States



Source: U.S. Bureau of Mines, Information Circular 8312

Reprinted from Illinois Issues, June 1975

By MAURICE W. SCOTT

Assessment is first step in property tax process

Illinois' biggest local tax is based on an official estimate of what your property is worth. Because of this element of judgment, the tax is difficult to administer fairly and is open to an unusual degree of political manipulation.

MAURICE W. SCOTT
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THE APPRAISAL or "assessment" of the value of taxable property is the basis of the property tax system. This process is performed in Illinois for most kinds of property at the township and county level, but some assessments are also made at the state level. The assessed value of all taxable properties in the state totals approximately $50 billion.

As provided under the 1970 Constitution and in the General Revenue Act, three steps are involved in the administration of the property tax: (1) assessment of property subject to taxation, (2) calculation of tax rates by the county clerk in each county and extension of taxes by him against the property owner, and (3) collection of taxes. The most important of these three steps is the assessment of property.

Who are the assessors?

In all counties under township organization (except Cook and St. Clair) the townships elect assessors who make the original assessments in their townships, and the assessments, when complete, are returned to the supervisor of assessments. The supervisor of assessments will be discussed more thoroughly later in this article. The supervisor of assessments has the same authority as the township assessor to assess and make changes in the assessment of property, and may assess and make changes or alterations in the assessment of property as though originally made (*Illinois Revised Statutes*, chapter 120, section 576).

In the 17 counties not under township organization ("commission" counties), the county supervisor of assessments is the county assessor and makes the original assessment (ch. 120, sec. 484).

Two counties under township organization receive special treatment. They are Cook County in which Chicago is located and St. Clair County in which East St. Louis is located.

In St. Clair County an elected board of assessors consisting of five members makes the original assessments, and in all townships in that county not lying wholly within the limits of one city, the township assessor is ex officio deputy assessor to make the assessments in the township wherein he is elected (ch. 120, secs. 485, 486).

Cook County comes under a special act and has an elected county assessor. The township assessors are ex officio deputy assessors and under direction and control of the county assessor (ch. 120, sec. 487).

Supervisors of assessments

In all counties of the state except Cook and St. Clair, the office of supervisor of assessments or county assessor filled by appointment by the county board. The person chosen or appointed by the county board must be qualified by virtue of experience and training in the field of property appraisal and property tax administration, and he must pass an examination conducted by the Department of Local Government Affairs. The appointment is made by the county board from one of three persons attaining the highest passing grade in the examination (ch. 120, sec. 484a). The term of his office is four years from the date of appointment and until a successor is appointed and qualified.

The supervisor of assessments has the same duty to make assessments as does the local assessor. He is clerk of the board of review, prepares and maintains tax maps and up-to-date lists of property owners' names and addresses on property record cards, keeps track of the transfers of real estate, and seeks out omitted property to be placed on the tax rolls by the board of review. Any two or more counties with the approval of the Department of Local Government Affairs may appoint the same person as their county supervisor of

assessments, and may by agreement provide for the appropriate share of his salary.

All real estate is assessed every four years, and this is called the "quadrennial assessment." In all township organization counties of the state, except Cook, 1975 is the year of the quadrennial assessment. A special statute applying to Cook County provides that Cook County is divided into four equal districts or quadrants, and one quadrant has its quadrennial assessment each year (*Ill. Rev. Stat.*, ch. 120, sec. 524).

In each year of the quadrennial assessment, the county clerk has the duty of making up the assessment books of all real property for the local assessors. On or before January 1 of the quadrennial assessment year, the assessors (in person or by deputy), are required to view and determine the value of each tract or lot of land listed for taxation as of January 1 and assess the land at its fair cash value ("fair cash value" is defined by statute as 50 per cent of actual value in ch. 120, sec. 482, 501). The value of lands and improvements must be separately fixed and placed in the separate columns in the assessor's books.

In the 17 commission organized counties the last quadrennial assessment year was 1974, and the next one will be in 1978.

The 1970 Illinois Constitution (Article IX, sec. 4) allows counties with a population of 200,000 or more to classify or to continue to classify real property for purposes of taxation. Any such classification must be reasonable and the assessment must be uniform within a class. The level of assessment or rate of tax of the highest class in a county which classifies may not exceed two and one half times the level of assessment or rate of tax of the lowest class in that county. Real property used in farming in such a county may not be assessed at a higher level of assessment than single family residential real property in that county.

Cook County is the only county at this writing that classifies real estate for taxation purposes. The county board has classified the real estate in Cook County into five general classes. Real estate in all the other counties in Illinois is assessed and taxed uniformly by valuation, ascertained as the General Assembly provides by law.

Railroads are assessed by the state, and a few years ago the railroads contended they were assessed at higher levels than local assessments. Many of these cases went to the Supreme Court and in 12 instances the railroads won

The assessment of personal property in Illinois is still a confused picture. Before the new Constitution was adopted by the electors in 1970, an amendment was submitted to the old Revenue Article of the former Constitution to abolish the assessment of personal property owned by individuals. This amendment was tied up in the courts for a few years, and as a result of the outcome, the personal property tax still applies to business, industry, partnerships, estates, trusts, and certain fiduciaries. More court issues will be lurking farther down the road, however, because under the provisions of the new Constitution, all remaining personal property taxes have to be abolished by the General Assembly on or before January 1, 1979. Concurrently, with this abolishment the General Assembly is directed by the new Constitution to replace all revenue lost by units of local government and school districts by imposing statewide taxes on those classes of property relieved of the burden of the personal property tax.

Anyway, every owner of taxable personal property still subject to the property tax in Illinois (or his agent or representative) has the duty of listing this property by April in each year on a schedule furnished by the local assessor. The person listing such personal property is required to sign and swear to the schedule (the swearing is often dispensed with by practice), and to return the schedule to the assessor who is required to assess the property at its fair cash value. It should be remembered that listing valuations of personal property by the owner on a schedule does not constitute the assessment; this is simply an aid to the assessor in making the assessment. The general rule is that personal property is subject to assessment in the taxing district in which the owner resides; but the General Revenue Act contains a number of exceptions, and it is this writer's advice that anyone interested in the subject should check the act for such exceptions.

Although most assessing is done by local assessors, the state Department of Local Government Affairs (DLGA) has the duty of assessing some forms of property. The DLGA assesses all property owned or used by railroads operating within Illinois (except non-carrier real estate which is assessed by local assessors), the operating property of private car lines, and the capital stock including the franchises of all companies or associations incorporated under laws of this state (except that companies organized for purely manufacturing and mercantile purposes, or for either of such purposes, or for the mining and sale of coal, or for printing, or for the publishing of newspapers, or for the improving and breeding of stock, or for the purpose of banking, or as mutual building, loan and homestead associations are all assessed by local assessors).

In assessing capital stock, the DLGA or local assessment officer, as the case may be, must ascertain the fair cash value of the capital stock over and above the assessed value of the tangible property. The latter assessed value must be deducted in order to avoid double taxation. Intangible personal property of the corporation is a part of capital stock and is subject to assessment as such. In all cases where the tangible property or capital stock of any corporation is assessed under the Revenue Act, the *shares* of such company which represent its taxed capital stock are exempted from taxation to avoid double taxation. This position has been sustained by the Illinois Supreme Court.

The term "capital stock" may be described in the colloquial as the corporate excess. The capital stock of domestic corporations must be assessed and taxed, but the capital stock of

foreign corporations is not subject to assessment in Illinois because of a decision in a court case (*Hart v. Thoman*, 373 Ill. 462).

When the assessments of capital stock made by the DLGA are finished, the department is required to publish them in the state's official newspaper. Any corporation dissatisfied with its assessment may, within 10 days of the date of the DLGA publication, apply to the department for review and correction of the assessment (ch. 120, sec. 618).

Railroad property is assessed by the Department of Local Government Affairs except for non-carrier real estate which is assessed by the local assessment officers. When the assessments of railroad property are finally determined by the department, the assessments are distributed among the several taxing districts in the state in proportion to the length of the track owned or used in each taxing district compared to the whole length of all track owned or used in the state. It is interesting to note that that they were assessed at higher levels by the DLGA than would have been made by local assessors, even after equalization. Many of these cases went to the Illinois Supreme Court, and in some 12 instances the railroads were able to prove their case.

Property assessed annually

In each year other than the year of the quadrennial assessment, the assessor has the duty of listing and assessing all real estate which becomes taxable for the first time and adding on all new or added buildings and structures not assessed before. In addition, if there has been a destruction or depletion of property, he has the duty of taking this off the assessment rolls. The assessment officers have the power, in years other than the year of the quadrennial, to reassess real property whenever acreage property has been subdivided into lots and the subdivision has been recorded in the office of recorder of deeds in any county.

In addition, personal property that is still subject to assessment is assessed every year, and so this assessment is really a continuing duty of the assessor.

Publication of assessments

Upon the completion of local assessments in all counties (except Cook) in the year of the quadrennial assessment of real property, a full and complete list of the assessments of real and personal property must be published (by townships if the county is so organized). In years other than the quadrennial assessment, a list must be published of real estate for which assessments have been added or changed since the last assessment and a separate list of personal property assessments. The Revenue Act has a similar provision in respect to the publication of the assessments in Cook County.

What happens if there is a failure to publish the assessments as required by the statute? Such failure does not render the assessment void, because notice to the property owner is not a condition for the validity of the original assessment (*Grant Land Association v. People*, 213 Ill. 256). The purpose of the publication of assessments is to provide the taxpayer with a notice of his current assessment, and the opportunity to compare his assessment with those of his neighbors, providing however, that the assessments are of comparable property. If the taxpayer, after such examination, is of the opinion that his assessment is too high or out of line with that of his neighbor, the statute provides for him a method of protesting his assessment; see "How to file an appeal if assessed unfairly" in the next column. □

By MAURICE W. SCOTT

How to file an appeal if assessed unfairly

WHEN AN assessor values taxpayer A's home at 50 per cent of its value but values taxpayer B's comparable home at 20 per cent of its value, naturally taxpayer A is up in arms and wants to know where he must go to complain. He must go to his county board of review in downstate counties and to the County Board of Appeals in Cook County.

The board of review consists of three members. It meets on or before the third Monday of June in each year for the purpose of revising the assessments returned to it by the county assessor, supervisor of assessments, or board of assessors, as the case may be. At this meeting the board, upon the application of any taxpayer, or upon its own motion, may change or review the assessments of any taxpayer, but in no case may the assessment of any person be increased unless that person has had notification.

It should be remembered that if taxpayer A above is interested in filing his complaint before the board of review, such complaint to affect the assessment for the current year must be filed on or before August 1 in counties with less than 150,000 inhabitants, and on or before September 1 in counties with 150,000 or more but less than 1,000,000 inhabitants. (A different process—not described here—applies in Cook County.) Such complaints must be in writing and filed in duplicate. The duplicate then goes to the local assessing officer. Taxpayer A should ask for a hearing so that he can present evidence when his complaint is heard. The best evidence in seeking relief is that his assessment is out of line with assessments of comparable property in the same neighborhood (*Illinois Revised Statutes*, chapter 120, section 589).

Taxpayer A should proceed first before his county's board of review, because the courts are reluctant to give any relief unless the taxpayer has first exhausted his administrative remedy before the board of review (*People ex rel Nordlund v. Lans, 31* Ill. 2d 477).

In Cook County the reviewing body is called the Board of Appeals. It is not authorized to make changes in the assessment books, but it may order the assessor to do so. This board can only act upon complaints filed with it by taxpayers.

When the review of assessments is completed by the board of review or by the Board of Appeals, the assessments are then certified to the county clerk. □

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By STEPHANIE COLE

Home rule in Illinois: No. 1. The Constitutional provisions

Chicago and 76 other Illinois municipalities now have home rule status, but "home rule" is hardly more than a phrase to most of the 6.4 million people residing in these cities because it is so new. Home rule also applies to Cook County. This is the first of four articles exploring what home rule is likely to mean to local government in our state. Future articles will examine Supreme Court decisions that interpret home rule powers, the legislature's reaction and response to home rule, and how some home rule governments have used their new powers.

Formerly local governments had to turn to the legislature for authority to carry out even the most trivial functions. Forty states have home rule provisions, and the Illinois grant is considered the broadest in the nation

STEPHANIE COLE

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WHEN delegates met in Springfield in 1969 and 1970 to draft a new constitution for the state of Illinois, one of the most frequently expressed sentiments was that units of local government be granted some degree of "home rule." Seventy per cent of the delegates (82 of the 116) signed one or more member proposals advocating various degrees of home rule for municipalities and/or counties. One proposal even called for home rule for townships. Delegate Joan Anderson, a member of the convention's Committee on Local Government, stated that the focus of committee and convention deliberations on the subject "was not on *whether* home rule should be granted, but rather *how much* and *to whom*." The establishment of home rule powers was adopted by the convention and subsequently ratified by the state electorate as Article VII, section 6.

What is home rule?

Home rule is a difficult concept to define because it varies so widely in form and application in the more than 40 states in which it exists. It always, however, involves a shift in the balance of power between the state and local governments.

In Illinois prior to home rule, local governments had to look to the General Assembly for authority to carry out all their local functions, even the most trivial ones. In the early part of this century, for example, a state law had to be enacted before Chicago could be certain about its power to lease checkroom and refreshment concessions on its Municipal Pier, including the power to permit the selling of peanuts on the pier. Under home rule, however, municipalities — cities, villages and incorporated towns — have the power "to carry out daily governmental functions and affairs without spending hours upon hours of research to first determine whether we have the legislative power to act. Now, if the question of power to act arises, we ask ourselves, 'Could the legislature by legislative enactment have provided us with the power?' If the answer is yes, then we too have the plenary power to act," notes Louis Ancel, Chicago attorney and long-time advocate of Illinois home rule.

Automatic for cities over 25,000

The Illinois home rule grant is considered the broadest in the nation. Unlike most other home rule states, in Illinois a local government need not adopt a charter, or "little constitution," to become a home rule unit. The convention's Local Government Committee considered a charter requirement to be onerous because "municipal structure and organization in Illinois are sufficiently well developed to warrant the grant of extensive local powers without first requiring the adoption of a charter for each municipality." Evidently other convention delegates agreed, for they did not debate this point on the convention floor.

What delegates did debate at length was the size of units to be granted automatic home rule status. The majority report of the Local Government Committee called for automatic home rule for all municipalities over 25,000

population. One minority committee proposal, however — submitted by two downstate and four Chicago Democrats — called for automatic home rule status for *all* municipalities regardless of size. On the floor of the convention delegates argued for various classifications ranging from 2,000 to 200,000 population. Eventually a compromise figure of 25,000 was adopted (Art. VII, sec. 6(a)).Other municipalities may acquire home rule status by voter referendum, as 10 have since the adoption of the Constitution. The smallest of these referendum units is Bryant (Fulton County, population 326). As of March 1975 there were 77 home rule municipalities, the majority in the six-county Chicago metropolitan area.

'The more controversial kinds of local revenue-raising powers are precluded for home rule units, and left to the General Assembly and the unforeseeable vicissitudes of the future. The door is closed, but it is not locked'

County needs elected executive

Under section 6(a), an Illinois county may also become a home rule unit, but it must have an elected chief executive officer. To date, Cook is the only home rule county; it acquired home rule automatically upon adoption of the new Constitution because it has an elected chief executive officer. Referenda on the home rule-county executive question were held in nine other counties (DeKalb, DuPage, Fulton, Kane, Lake, Lee, Peoria, St. Clair and Winnebago) in conjunction with the March 1972 primary election. All nine failed by wide margins. Probably the most important reason for these defeats was the activities of various organizations, notably STOP (Stop Taxing Our People), which portrayed home rule as a means by which county governments could levy virtually unlimited taxes. In some counties, elected officials see home rule as a threat to their present powers and job status, feeling that a chief executive officer would become a major independent political force.

A home rule county or municipality may divest itself of its status by referendum (sec. 6(b)). To date no such referenda have been held.

Non-home rule counties and municipalities continue to operate, as they did before the new Constitution, under "Dillon's Rule." This legal theory, first enunciated in an 1868 case by Justice John F. Dillon of the Iowa Supreme Court, makes local governments entirely "creatures of the state." They have only those powers explicitly granted by the constitution and state law. A corollary to Dillon's Rule is that legislative and constitutional grants of authority to local governments must be strictly construed by the courts. As late as 1964, the Illinois Supreme Court held, "The city [Chicago] must have an express grant of authority from the General Assembly to enact the ordinances unless the power is necessarily implied in or incidental to power or powers expressly conferred" (*Ives v. City of Chicago,* 30 Ill. 2d 582).

Since home rule went into effect, several bills have been introduced in the General Assembly which would have granted substantial home rule powers to every municipality under 25,000 population, with no need for local referendum approval (H.B. 1575, 77th General Assembly; H.B. 1358, 78th General Assembly). H.B. 1575 was tabled, while H.B. 1358 died in the Committee on Rules. Sponsors of these bills included such diverse members of the legislature as downstate Republicans, a Chicago Republican, several suburban Cook County Republicans and Democrats from non-home rule municipalities.

In most of the other home rule states a home rule unit has only those powers spelled out in the constitution or in the unit's charter — an approximation of Dillon's Rule. An Illinois home rule unit, however, is free to govern itself except as limited by the Constitution or by the General Assembly in certain constitutionally specified ways, the most important of which is "preemption" (secs. 6(g), (h), and (i)). Preemption refers to the power of the state legislature to limit or deny most home rule activities.

Limits on taxing and debt powers

In addition to preemption, another major constitutional limitation on a home rule unit's powers concerns its powers of taxation — limitations spelled out in section 6(e). A home rule unit cannot (1) license for revenue, (2) impose taxes upon or measured by income or earnings, or (3) tax occupations, unless the General Assembly grants these powers. None has been granted in the almost four years since the new Constitution went into effect, and no proposals to grant such additional taxing powers have been introduced in either the Senate or the House of Representatives.

As noted by Local Government Committee John Parkhurst, "The more controversial kinds of local revenue-raising powers are precluded for home rule units, and left to the General Assembly and the unforeseeable vicissitudes of the future. The door is closed, but it is not locked."

Despite the limitations on their taxing powers, many new revenue-raising measures are open to home rule units. In its 1972 report, the Chicago Home Rule Commission listed some 20 different taxes which home rule would allow the city and other home rule municipalities to adopt. The Illinois Supreme Court, in line with its generally liberal series of opinions on home rule cases, has sustained a cigarette tax (separate from that allowed by state law), a parking tax, and an employers' expense tax or "head tax."

In regard to limitations on the power of home rule units to incur debt, several general restrictions are spelled out in section 6. Under section 6(d), no home rule unit may incur debt payable from *ad valorem* property tax receipts which matures later than 40 years from the time it is incurred.

Section 6(j) allows the General Assembly by a simple majority vote to limit the amount of debt which a home rule county may incur. The Local Government Committee's proposal would have allowed the legislature to require referendum approval of such debt, but this was dropped by the con-

vention's Committee on Style, Drafting, and Submission in the proposal it prepared for second reading. The point was not debated on the convention floor.

With respect to home rule municipalities, section 6(j) allows limitation of their debt (other than debt payable from *ad valorem* property tax receipts) only by a three-fifths vote of both houses of the General Assembly. A number of legislative attempts to impose debt limitations on both home rule municipalities and home rule counties have been unsuccessful. In the present General Assembly, dominated by Democrats, it is highly unlikely that similar attempts would get very far.

Power to incur debt

Section 6(k) deals with the power of home rule municipalities to incur debt payable from *ad valorem* property tax receipts without referendum approval. The amount of such debt allowed by the Constitution is determined by the size of the municipality. Chicago may incur debts up to 3 per cent of the value of its taxable property (approximately $390 million) without referendum approval, while Bryant — and all other home rule municipalities under 25,000 population — may incur only up to .5 per cent. These figures constitute a "floor" below which the General Assembly may not legislate. This debt floor represents a compromise at the Constitutional Convention between strong supporters of home rule who would have imposed no limitation, leaving the power entirely in the hands of the home rule municipalities, on the one hand, and those who would have left the regulation of local debt entirely to the General Assembly, on the other.

In general, the home rule units have been cautious in the enactment of new taxes and the incurrence of debt under

1970 Illinois Constitution
Article VII, Local Government
Section 6. Powers of home rule units

(a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

(b) A home rule unit by referendum may elect not to be a home rule unit.

(c) If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(d) A home rule unit does not have the power (1) to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred or (2) to define and provide for the punishment of a felony.

(e) A home rule unit shall have only the power that the General Assembly may provide by law (1) to punish by imprisonment for more than six months or (2) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations.

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

(g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (1) of this Section.

(h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (1) of this Section.

(i) Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

(j) The General Assembly may limit by law the amount of debt which home rule counties may incur and may limit by law approved by three-fifths of the members elected to each house the amount of debt, other than debt payable from ad valorem property tax receipts, which home rule municipalities may incur.

(k) The General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amount.

(l) The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

(m) Powers and functions of home rule units shall be construed liberally.

'A number of attempts to impose debt limitations on home rule municipalities and home rule counties have been unsuccessful'

home rule. Apparently this attitude, encouraged by the Illinois Municipal League, has paid off. Not one home rule taxing measure considered by the Illinois Supreme Court has been struck down.

General Assembly preemption

The other major limitation of home rule powers is provided in the preemption provisions, sections 6(g), (h), and (i). "These sections attempt to spell out . . . the power relationship between the state and the home rule units . . . to reduce to a minimum the vast gray area that has led to endless litigation in other home rule states," according to Parkhurst. Rather than specifying a "laundry list" of areas of statewide and/or local concern, as do the constitutions of many other home rule states, the Illinois Constitution attempts to distinguish state from local concerns in terms of the exercise of power.

The more conservative delegates on the Local Government Committee at the convention wanted to require only a simple majority of members elected to both houses of the General Assembly for all types of preemption, thus increasing legislative power over home rule units. Other delegates, led by Chicago Democrats, wanted to strengthen home rule units' powers by requiring an extraordinary three-fifths legislative majority for *any* preemptive action. Sections 6(g), (h), and (i) as passed, however, are close to the original Local Government Committee proposal. To deny a home rule unit a power *not* being exercised by the state, a three-fifths vote is required in both houses of the General Assembly (sec. 6(g)). A three-fifths vote is also required to deny or limit a taxing power other than those specified in section 6(e), discussed above. For an area which the General Assembly considers to be of statewide concern and over which it wishes the state to have exclusive jurisdiction, only a simple majority vote is required (sec. 6(h)). The same requirement holds for the legislature to declare a concurrent exercise of a power by the state and the home rule units (sec. 6(i)).

The convention rejected a majority committee proposal which would have allowed the General Assembly by simple majority vote to provide standards and procedures for the exercise of home rule powers and the performance of home rule functions. There was much confusion as to the meaning of "standards and procedures," extensively discussed on all three readings of the local government article. Subsequently, several pieces of legislation have been passed under section 6(i) which would have been more logical "standards and procedures" preemptions. For example, P.A. 78-448 (*Ill. Rev. Stat.*, 1973, ch. 102, sec. 46) adds to the Open Meetings Act the statement that the act's provisions constitute minimum requirements for home rule units, although a home rule unit may prescribe more stringent requirements for itself.

Section 6(m) calls for liberal construction of home rule powers. At the time of the convention this section was viewed as an essentially hortatory statement, but in its home rule decisions the Illinois Supreme Court appears to have taken 6(m) literally. Most home rule decisions have indeed been liberal, and several have gone beyond the intentions of even the most fervent advocates of home rule at the convention. Although the courts and the General Assembly will undoubtedly continue to interpret and shape the home rule provisions of the Constitution, it seems clear that to date the broad powers allotted to home rule units have not been seriously limited. □

Selected state reports

Continued from page 34.

■ "Mental Health and Developmental Disabilities in Illinois: An Examination," a paper by James F. Ragan, Jr., for the Illinois Department of Mental Health and Developmental Disabilities (November 1974), 66pp.

Illinois is gradually shifting from a system that provides care and treatment of the mentally ill and developmentally disabled in large, isolated institutions to a system that provides care and treatment in the community. The present situation in Illinois is discussed and compared to the nation as a whole and several other states; the goals and policies of the Department of Mental Health and Developmental Disabilities are evaluated; and current attempts at statewide planning are assessed.

■ "Municipal Revenue and Expenditure Patterns in Illinois," staff report prepared by Norman Walzer and Dan Singer for the Illinois Cities and Villages Municipal Problems Commission (September 1974), 118pp. plus appendices.

Patterns of municipal revenue and expenditure for Illinois in fiscal 1972 and 1973 are the basic data of this report. Comparisons are made over time, among classes of cities in Illinois, and with other North Central states and the nation as a whole. Socioeconomic factors are analyzed to determine their relationship to revenue variations.

The two documents which follow are reports of special House subcommittees. The use of subcommittees to study specific issues and problem areas is a recent development in the House. This function was once performed by legislative commissions.

■ "Child Welfare in the State of Illinois," Final Report of the Special Subcommittee of the Human Resources Committee, to the House of Representatives, 78th General Assembly (January 7, 1975), 15pp. plus addenda.

The subcommittee was created because of "complaints and allegations received by legislators concerning the leadership of the Department of Children and Family Services and the alleged inability of the Department to adequately serve dependent, neglected and abused children." The subcommittee recommended evaluation of the department's programs and several changes in the act creating the department.

■ "Report," of the Special Subcommittee on Health Services and Health Finance, Committee on Human Resources, to the

Continued on page 93.

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THE SECOND IN A SERIES OF FOUR ARTICLES
By STEPHANIE COLE

Home rule in Illinois: No. 2. The Supreme Court's decisions

THE ILLINOIS Constitution directs that a "liberal" construction be given to the home rule section, and Illinois Supreme Court decisions have adhered generally to this directive. Examples are found in cases upholding Chicago and Cook County tax ordinances as well as in cases changing the structure of home rule governments.

In drafting the 1970 Illinois Constitution, delegates to the Sixth Illinois Constitutional Convention recognized the important role which state courts would play in interpreting controversial sections. This was especially true of the innovative home rule provisions—section 6 of Article VII, the local government article. Many cases involving questions raised by the new Constitution have been decided by the Illinois Supreme Court. Nineteen of these cases relate to home rule. No other provision of the new Constitution has resulted in such a large amount of litigation. Some home rule cases have been disposed of at the circuit or appellate court levels, while others are being appealed to the Supreme Court.

Not all 19 cases of the Supreme Court cases dealing with home rule are discussed here, but citations and brief descriptions of each case are given on the next page.

Members of the convention's Local Government Committee and other delegates were concerned that home rule powers not be interpreted restrictively, as they have been in other states. Consequently, they included in the local government article an essentially hortatory statement, section 6(m), intended as a guidance to the courts. This section states, "Powers and functions of home rule units shall be construed liberally."

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At a Local Government Committee reunion meeting held December 7, 1974, in conjunction with the celebration of the fifth anniversary of the convening of the convention, committee Vice Chairman Philip Carey noted, "I'm particularly pleased with the way the courts have treated those questions that have come before them. I think in every instance I have seen. Looking at the various opinions, it appears to me that the courts have carefully considered what we said in the debates and have placed particular emphasis on that portion of the Constitution that says it should be liberally construed in favor of home rule." Carey, a Chicago attorney, is now chairman of the Cook County Home Rule Study Commission.

Of the 19 home rule decisions rendered by the Illinois Supreme Court, more than three-quarters can be described as liberal interpretations. Even in some decisions which can be described as conservative, the court has been mindful of the exhortation of section 6(m). The section has been cited explicitly in five home rule cases—*S. Bloom, Inc. v. Korshak, City of Evanston v. County of Cook, People ex rel. City of Salem v. McMackin, Paper Supply Co. v. City of Chicago,* and *City of Des Plaines v. Metropolitan Sanitary District of Chicago.*

For example, in *Bloom*, the first home rule case to be considered by the Supreme Court, the opinion stated, "The powers of home rule units are to be liberally construed (section 6 (m)), and it would be unreasonable to read limitations . . . and thus contradict the broad authority given home rule units . . . ." In a more recent decision, *Paper Supply,* the court noted, "Section 6(m) requires that we resolve the question in favor of a broad rather than a narrow interpretation of the taxing power of the city [Chicago]."

Home rule taxing powers upheld

The Constitution grants home rule units broad power to tax in section 6(a) of the local government article; several limitations on this power are set forth in section 6(e). Six of the home rule cases which have come before the Illinois Supreme Court concerned the power of home rule units to enact various kinds of taxing measures. The defendant in all of these cases has been either Chicago or Cook County—the largest home rule municipality and the only home rule county in the state.

In *Bloom*, the Supreme Court upheld Chicago's cigarette tax ordinance, which imposes a five cents a package tax on the purchase of cigarettes, with the incidence of the tax on the buyer. The court ruled that the cigarette tax is a privilege or use tax, not an occupation tax upon those who sell cigarettes, which would be forbidden under section 6(e). The court commented that privilege or use taxes fall within home rule taxing authority.

Similarly, in *Jacobs v. City of Chicago*, the city's parking tax ordinance was challenged. The parking tax is imposed at the rate of 15 cents for each 24-hour period of parking in any city lot or garage. The plaintiffs pointed to provisions in the ordinance allowing the mayor to suspend or revoke the licenses of parking lot operators who fail to collect or remit the tax, and claimed that the tax was in reality a license for revenue, which is also forbidden under section 6(e). In upholding the tax, the court, citing *Bloom*, stated that the penalties for violation do not mean that the tax is a disguised form of licensing for revenue, but rather that they insure the integrity of the collection process.

A case by case analysis of the court decisions affecting home rule in Illinois. Generally, the Supreme Court has liberally construed the powers and functions of home rule units

A third Chicago tax upheld by the court—in *Rozner v. Korshak*—was a wheel tax license. The fees imposed by the city wheel tax differ from those which any municipality—home rule or non-home rule—can collect under state statute. In addition, the ordinance authorizing the wheel tax license allows virtually unlimited use of proceeds from the tax, which is not the case with proceeds from those local wheel taxes authorized by state law. The court held that, despite its label as a "wheel tax license," the tax is not a license for revenue (proscribed by section 6(e)): "The ordinance is frankly a taxing measure and . . . is a proper exercise of the city's home rule power to tax."

A Cook County wheel tax applying only to vehicles owned by residents in the unincorporated areas of the county was upheld in *Gilligan v. Korzen*. Citing its opinion in *Rozner*, the court stated once again that the ordinance imposing the tax is "frankly a taxing measure." The court upheld the county's right to distinguish between residents living in incorporated and unincorporated areas, comparing it to the power of the General Assembly to make similar classifications.

Cook County was also the defendant in *City of Evanston v. County of Cook*, which involved the county's tax on retail purchases of new motor vehicles within its territory. Similar taxes had also been adopted by Evanston and several other home rule municipalities within the county. In arguing against imposition of the county tax within their boundaries, the municipalities cited section 6(c) of the home rule provisions: "If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction." The court held, however, that section 6(c) does not establish a system of preemption of home rule county ordinances by municipal ordinances. Rather, section 6(c) is meant to resolve conflicts and inconsistencies. According to the court, both the county and the municipal ordinances were valid; both were exercises of a concurrent power. Although their taxes were upheld in this decision, after it was handed down, Evanston and the other municipalities did not attempt to collect their taxes. Potential buyers of motor vehicles would hardly be likely to make their purchases where they would have to pay municipal as well as county taxes.

In *Paper Supply*, the Supreme Court upheld Chicago's employers' expense tax — usually referred to as a "head tax." The tax is levied on all local employers of 15 or more workers at the rate of $3 a month for each full-time employee. A number of constitutional objections to the head tax were raised in this case, but the most important issue — as in *Bloom* — was whether the tax is an occupation tax. The court quoted at length from the constitutional convention debates on section 6(e), and noted that delegates did not define the meaning of an occupation tax. Therefore, because of the liberal construction of home rule powers, and because the General Assembly has the potential right under section 6(g) to preempt home rule units' right to impose a tax such as the head tax, but has not taken any preemptive action in this area, the court upheld the tax.

Home rule power to incur debt

The major case involving the power of home rule units to incur debt is *Kanellos v. County of Cook*. The Supreme Court upheld a resolution of the Cook County Board providing for the issuance of $10 million in general obligation bonds without prior approval by the county's voters in a referendum. Similar bonds have been issued subsequently by more than 15 home rule municipalities.

In *Kanellos*, the court noted the

Home rule cases decided by the Illinois Supreme Court

S. Bloom, Inc. v. Korshak, 52 Ill. 2d 56, 284 N.E.2d 257 (1972). Upheld Chicago cigarette tax ordinance.

Kanellos v. County of Cook, 53 Ill. 2d 161, 290 N.E.2d 240 (1972). Upheld authorization of $10 million in general obligation bonds by Cook County without referendum approval.

City of Evanston v. County of Cook, 53 Ill. 2d 312, 291 N.E.2d 823 (1972). Upheld similar Cook County and municipal ordinances levying taxes on the retail sale of new motor vehicles.

People ex rel. City of Salem v. McMackin, 53 Ill. 2d 347, 291 N.E.2d 807 (1972). Held that home rule municipalities may adopt provisions of the state Industrial Project Revenue Bond Act, despite a provision in the act that it does not apply to home rule municipalities.

City of Danville v. Hartshorn, 53 Ill. 2d 399, 292 N.E.2d 382 (1973). Held that rules of criminal procedure apply to penal ordinances of home rule units.

Jacobs v. City of Chicago, 53 Ill. 2d 421, 292 N.E.2d 401 (1973). Upheld Chicago parking tax ordinance.

Bridgman v. Korzen, 54 Ill. 2d 74, 295 N.E. 2d 9 (1973). Struck down Cook County ordinance providing for payment of real estate taxes in four rather than two installments and accelerating the payment dates.

Oak Park Federal Savings and Loan Association v. Village of Oak Park, 54 Ill. 2d 200, 296 N.E.2d 344 (1973). Struck down Oak Park ordinances for special service areas, stating that enabling General Assembly legislation was required for such ordinances to be enacted.

People ex rel. Hanrahan v. Beck, 54 Ill. 2d 561, 301 N.E.2d 281 (1973). Upheld Cook County ordinance creating the appointive office of county comptroller and transferring to this new office some of the powers of the elected county clerk.

Rozner v. Korshak, 55 Ill. 2d 430, 303 N.E.2d 389 (1973). Upheld Chicago wheel tax license ordinance.

City of Chicago v. Mayer, 56 Ill. 2d 366, 308 N.E.2d 601 (1974). Allowed a "necessity" defense to violation of a penal ordinance of a home rule unit, but indicated that violations of such ordinances will not be treated as violations of penal statutes.

Gilligan v. Korzen, 56 Ill. 2d 387, 308 N.E.2d 613 (1974). Upheld Cook County ordinance imposing wheel tax on motor vehicles owned by residents of unincorporated areas of the county.

Clarke v. Village of Arlington Heights, 57 Ill. 2d 50, 309 N.E.2d 576 (1974). Upheld Arlington Heights ordinance making the village clerk an appointive office and increasing the number of members of the village board of trustees from six to eight.

Peters v. City of Springfield, 57 Ill. 2d 142, 311 N.E.2d 107 (1974). Upheld Springfield ordinance reducing the mandatory retirement age of city policemen and firemen from 63 to 60.

Fuehrmeyer v. City of Chicago, 57 Ill. 2d 193, 311 N.E.2d 116 (1974). Held the state occupational licensing act (H.B. 3636) to be unconstitutional.

Paper Supply Co. v. City of Chicago, 57 Ill. 2d 553, 317 N.E.2d 3 (1974). Upheld Chicago employers' expense tax ("head tax") ordinance but struck down a severable provision of the ordinance incorporating the state Administrative Review Act.

Cummings v. Daley, 58 Ill. 2d 1, 317 N.E.2d 22 (1974). Citing *Paper Supply*, struck down a provision in Chicago fair housing ordinance incorporating the state Administrative Review Act.

City of Des Plaines v. Metropolitan Sanitary District of Greater Chicago, 59 Ill. 2d 29, 319 N.E.2d 9 (1974). Held that the 1970 Illinois Constitution and its home rule provisions did not essentially change the facts of a prior case where the city claimed zoning powers over the district on land within city boundaries; ruled again in favor of the district.

City of Chicago v. Pollution Control Board, 59 Ill. 2d 484, 322 N.E.2d 11 (1974). Held that Chicago is subject to the state Environmental Protection Act and to the jurisdiction of the Pollution Control Board.

The court seemed to be saying that if the Constitution states that a certain subject is of state concern—as it does for the environment—then state power in this area is supreme

absence of a referendum requirement for home rule *counties* in section 6(j). This was in contrast, the court said, to the authority granted the General Assembly in section 6(k) to require referendum approval of a home rule *municipality's* debt above a certain percentage of the assessed valuation of the municipality's taxable property, the percentage varying according to the municipality's population. The court pointed again to section 6(g) and noted that the General Assembly has the power to impose a referendum requirement upon home rule counties under the section. No legislative action of this kind has been taken thus far.

Broad impact of *Kanellos*

The *Kanellos* case has had a much wider impact than simply affirming the right of home rule units to issue non-referendum general obligation bonds. In deciding this case, the Supreme Court stated that a state law enacted before July 1, 1971, the effective date of the new Constitution, is invalid if a home rule unit takes other action allowed under its new powers. The state law relating to counties, in a provision enacted prior to the new Constitution, requires referendum approval before a county can incur debt. Under section 9 of the Transition Schedule of the Constitution, only laws not contrary to or inconsistent with the new Constitution remain in force. Therefore, the court held, "This statute is inapplicable as applied to a home-rule county. It was enacted prior to and not in anticipation of the Constitution of 1970 which introduced the concepts of home rule and the related limitation of sections 6(g) and 6(h). Such considerations were totally foreign in the contemplation of legislation adopted prior to the 1970 Constitution. The statute is therefore inconsistent with the provisions of section 6(g) and the Transition Schedule."

The concept that pre-existing state laws are inapplicable to home rule unit enactments unless the enactments are otherwise limited by legislative preemption was subsequently applied by the court in such cases as *People ex rel. Hanrahan v. Beck, Peters v. City of Springfield,* and *Clarke v. Village of Arlington Heights.* In *Beck*, the court was confronted with the question of whether Cook County could create the new, appointive office of comptroller and transfer to it powers and functions previously exercised by the elected county clerk as an ex officio comptroller. The court ruled that under home rule Cook County "has authority to transfer powers, duties and functions among county officers even to the extent that such exercise conflicts with a statute enacted prior to the adoption of the 1970 Constitution." Although section 4(c) of the local government article makes an elected county clerk mandatory for all counties—unless eliminated by countywide referendum—a home rule county may transfer the clerk's powers, duties, and functions to other officers. The court viewed the creation of new offices by a home rule county as a legally proper way to "deal with the myriad complex problems of local government." The court noted that there have been no General Assembly enactments which would limit the power exercised by Cook County in creating the office of comptroller.

In the *Peters* case, the Supreme Court dealt with Springfield's action, taken under home rule, of reducing the mandatory retirement age for its firemen and policemen from 63 to 60. In defending this action, the city was joined by the Illinois Municipal League and the city of Chicago as friends of the court. Referring to "the doctrine of *Kanellos* and *Beck*," the court ruled that Springfield was acting within its home rule powers in reducing the mandatory retirement age. Although a referendum is required to change the form of government of a home rule municipality, the court also held that the civil service system of a municipality is not its form of government, and that changes in the system need not be submitted to a referendum.

The *Clarke* case concerned the power of Arlington Heights to pass ordinances providing that the number of trustees on the village board be increased from six to eight and that the office of village clerk be made an appointive rather than an elective office. Both changes received referendum approval; both differ from provisions of the state Municipal Code. The court approved these changes: "As *Kanellos* and *Beck* made clear, a home rule unit may preempt statutory provisions enacted prior to adoption of our present Constitution, as was accomplished in the present instance."

In a recent, puzzling case, *City of Chicago v. Pollution Control Board* (summarized in *Illinois Issues*, Feb. 1975, p. 60), the court held that the state Environmental Protection Act applies to Chicago as a home rule municipality. The court stated that local environmental protection programs must conform with the minimum standards set forth in the act. The act was passed before the effective date of the new Constitution. The environment was of special concern at "Con Con," however, and the court seemed to be saying that if the Constitution states that a certain subject is of state concern — as it does for the environment — then state power in this area is supreme. Until more cases are decided it is not possible to tell whether the court has changed the position on preexisting state statutes and the need for positive legislative action which it adopted in *Kanellos.*

Licensing and regulation

A high proportion of the home rule ordinances enacted so far concern licensing and regulation, but the Supreme Court has not ruled on challenges to any of these actions. In *Fuehrmeyer v. City of Chicago,* the court did rule on the occupational licensing act (House Bill 3636), passed by the 77th General Assembly. In ruling on challenges to H.B. 3636, the Supreme Court did not consider the numerous questions on the interrelated preemption provisions — section 6(g), (h), and (i). Rather, the court found the occupational licensing act to be unconstitutional on other grounds: it contained more than one subject and improperly attempted to amend or repeal sections in three of the thirty acts referred to. The General Assembly's response to the *Fuehrmeyer* ruling was to pass in June 1974 a series of similar bills, each of which deals with only one subject. These bills and others passed as the apparent result of Supreme Court rulings will be discussed in the next article in this series.□

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Home rule in Illinois: No. 3. General Assembly action

1970 Illinois Constitution Article VII — Local Government

Section 6. Powers of Home Rule Units

(g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (1) of this Section.

(h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (1) of this Section.

(i) Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

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ONE OF THE most difficult problems faced by the Constitutional Convention was to define how the General Assembly could and could not limit home rule powers. "Even the most determined proponents of home rule recognize that many matters of concern to local governments should be left to the determination of the state legislature," the Local Government Committee noted in its report.

The committee report emphasized that the power of state legislative control should be preserved over most, if not all, matters of local concern. The committee also recognized, however, that "there is a great danger of undue restriction of home rule powers if the legislature is authorized to act on all matters affecting local governments."

The committee tried to avoid the kinds of problems that have resulted from home rule provisions in other states, where the courts are the arbiters in distinguishing local from state concerns. In most cases the courts have decided in favor of the state. The Illinois provisions proposed by the committee (and subsequently ratified by the full convention and the state electorate) place few specific limitations on home rule powers, but leave the door open for the General Assembly to limit, or even take away entirely, many local powers. The mechanism for denial and limitation — termed preemption — appears in sections 6(g), (h), and (i) of the local government article.

These sections make it more difficult for the General Assembly to deny or limit the exercise of a home rule power than to decide to exercise this power itself. A three-fifths vote of the members elected to both the Senate and the House of Representatives is required for denial of limitation of a home rule power (sec. 6 (g)), but only a majority vote is required for the legislature to declare a power exclusive to the state (Sec. 6 (h)). In the absence of specific General Assembly action, home rule units may exercise powers concurrently with the state (sec. 6 (i)).

Home rule revenue powers

Home rule revenue powers are given special treatment in the Constitution. In its report, the Local Government Committee declared that the powers to tax and to incur debt "are essential if home rule is to enable counties and municipalities to perform the functions demanded of them in this increasingly complex and urbanized world. In the simplest terms, urban areas need more money if they are to survive and grow . . . . The balancing of local automony against state sovereignty is most difficult and delicate in the realm of revenue. Home rule is a mere skeleton without flesh and muscle if revenue powers are lacking or can be taken away by the legislature." The committee's solution was to require the General Assembly to muster a three-fifths vote before it can deny or limit *any* home rule taxing power. Clearly, the legislature would take such preemptive action only in the most pressing circumstances.

An example of an unsuccessful attempt at preemption was House Bill 4680 introduced in the 77th General Assembly by downstate Republican C. L. McCormick. The bill was an attempt to freeze local property taxes at 1972 levels until at least January 1, 1975. The bill received a majority but not the required three-fifths vote in the House, whereupon Rep. McCormick tabled his proposal.

General Assembly authorization

In addition to permitting the legislature to deny or limit home rule powers, the Constitution gives the General Assembly the authority to permit governmental units to exercise

There are few specific limitations on home rule powers in Illinois, but the Constitution leaves the door open for the General Assembly to limit, or even take away entirely, many local powers. It's called 'preemption'

various powers which are otherwise specifically forbidden. Without such authorization, a home rule unit may not punish by imprisonment for more than six months; it may not license for revenue; and it may not impose income, earnings, or occupation taxes. Since the new Constitution went into effect (July 1, 1971), the General Assembly has not moved to extend any of these powers to home rule units.

Three-fifths preemption

Relatively little preemptive legislation has been passed in the four years since the new Constitution went into effect. At the Illinois Assembly on Home Rule (an April 1973 conference sponsored by the Institute of Government and Public Affairs, University of Illinois), participants adopted this finding: "The assembly recognizes that there are areas of legitimate statewide concern which would justify preemption, limitation, denial, or concurrent exercise of local governmental power. However, the state should not act in any such areas in the absence of a compelling state need." The legislature appears to have acted in accordance with this statement. While many preemptive bills have been introduced, only a few have been enacted into law.

Only two bills have been passed under the extraordinary voting requirements of section 6(g). The first such bill (Senate Bill 27, 3rd special session), passed in December 1973, established a coordinated Regional Transportation Authority (RTA) for the six northeastern Illinois counties (*Illinois Revised Statutes,* 1974 Supplement, chapter 111 2/3 section 701.01 ff). Home rule units and all other local governments in the six-county region, which includes Cook County and 52 of the 77 home rule municipalities, may not exercise any of the powers delegated to the RTA governing board. These powers include the acquisition of construction of any public transportation agency, eminent domain over property to be acquired by the RTA, and the imposition of a number of taxes — including a motor fuel tax, a parking tax, and a motor vehicle use tax.

The second piece of legislation passed under section 6(g) was S.B. 1520, passed in June 1974 (*Ill. Rev. Stat.*, 1974 Supplement, ch. 73, sec. 614.1). S.B. 1520 preempts home rule authority to license and regulate insurance brokers: "The fees, charges and taxes provided for [in the bill] shall . . . be in lieu of all license fees or privilege or occupation taxes levied or assessed by any home rule unit and [the tax section of the act] is declared to be a denial or limitation of the powers of home rule units pursuant to paragraph (g) of Section 6 of Article VII of the Constitution of 1970." S.B. 1520 was one of a series of bills covering the licensing and regulation of various professions and occupations. The bills were intended to correct technical flaws in previous legislation which the Illinois Supreme Court found in the case *Fuehrmeyer v. City of Chicago* (57 Ill. 2d 199 [1974]).

The *Fuehrmeyer* case arose out of challenges to House Bill 3636, the occupational licensing act, passed by the 77th General Asembly. The legislature attempted, under the preemption provision of section 6(h), to declare exclusive to the state the power to register, license, and regulate more than 30 occupations listed in 30 other acts which were referred to in H.B. 3636. Included were such diverse occupations as architect, horseshoer, funeral director, and real estate broker. Much of the debate on H.B. 3636 centered on whether a simple majority vote (sec. 6 (h)) or a three-fifths vote (sec. 6(g)) was required. However, the court did not consider the question of how many votes were required in the *Fuehrmeyer* ruling. Similar questions arose in the legislature in its passage of the series of new bills, and a court test of these statutes may clarify when a three-fifths majority is necessary and when a simple majority will suffice.

It is interesting to note that not every bill passed by a three-fifths majority in both houses of the General Assembly will necessarily preempt a home rule power or function. For example, 15 of the 29 bills in the series of which S.B. 1520 was a part received a three-fifths vote in both the Senate and the House. Only S.B. 1520 *required* the extraordinary majority, however, because it takes away a power which was already being exercised by home rule units. The presiding officers in both chambers ruled that 26 other bills in the series—including the 15 bills which ultimately received a three-fifths majority—required only a simple majority. (Two of the 29 bills in the series were not preemptive in nature.) In the case *Rozner v. Korshak* (55 Ill. 2d 430 [1973]) the Supreme Court indicated that not every bill passed by a three-fifths majority will affect home rule power. The court stated that inadvertent restrictions on home rule units' authority would be avoided if preemptive legislation were clearly labeled as such, but the court did not state that the legislature *must* label preemptive bills.

Home rule amendment

The General Assembly has adopted its own device for avoiding inadvertent preemption by attaching a "home rule amendment" to bills related to local government. The home rule amendment appears in various forms, but it usually states that a bill "is not a limit upon" or "does not apply to" the powers of home rule units. The amendment is added to bills which might be interpreted as preemptive but are not intended to be preemptive. The home rule amendment

The General Assembly has adopted its own device for avoiding inadvertent preemption by attaching a 'home rule amendment' to bills relating to local government

appears more than 150 times in the 1973 edition of the *Illinois Revised Statutes.*

Other preemption

Not every preemptive bill contains a specific reference to sections 6(g) (h) or (i). For example, an early bill (S.B. 192, 77th General Assembly) states that the Illinois Rules of the Road are to be applied uniformly by the state throughout the state (*Ill. Rev. Stat.*, 1973, ch. 95½, secs. 11-208.1 and 208.2). Although no constitutional citation is given, this act is an apparent example of preemption under section 6(h). The act's provisions "limit the authority of home rule units to adopt local police regulations inconsistent herewith . . . ." Many additional examples of unstated preemption are found in other legislative acts. For instance, S.B. 220 (78th General Assembly) amends the Health and Safety Act so that the act applies to "all employers engaged in any occupation, business, or enterprise in this State, and their employees . . . ." (*Ill. Rev. Stat.*, 1973, ch. 48, sec. 137.2).

In the 78th General Assembly several preemptive acts, so labeled, were passed in addition to the RTA legislation and the series involving various occupations and professions. H.B. 1050, passed under section 6(i), declares that the provisions of the Open Meetings Act constitute minimum requirements for home rule units. A home rule unit may adopt more stringent requirements for itself (*Ill. Rev. Stat.*, 1973, ch. 102, sec. 45). More stringent requirements than those prescribed by statute may also be enacted by home rule units under H.B. 1313, also passed under section 6(i). H.B. 1313 provides that state public notice requirements apply to home rule as well as non-home rule units (*Ill. Rev. Stat.*, 1973, ch. 100, sec. 8.2).

Both section 6(h) and section 6(i) were invoked in the passage of another bill, H.B. 541, which provides for continued exclusive regulation by the state of electricity suppliers (*Ill. Rev. Stat.*, 1973, ch. 111 2/3, sec. 2.1).

Two health-related preemptive bills were also passed in the 78th General Assembly: H.B. 2826 and S.B. 1609. The first, passed under section 6(h), amends the Dangerous Drugs Abuse Act by creating the Dangerous Drugs Commission, which is responsible for various programs to curb drug abuse enumerated in the act (*Ill. Rev. Stat.*, 1973, ch. 91½, sec. 120.1 ff). The exclusive power of the state refers only to those powers and functions given the commission under H.B. 2826, not to the entire field of controlling drug abuse. The Illinois Health Facilities Planning Act, S.B. 1609, was also passed under section 6(h). The act establishes a state planning agency to develop standards, rules, and plans concerning health care facilities (*Ill. Rev. Stat.*, 1973, ch. 111½, secs. 1157-1167).

At *Illinois Issues* press time on May 30, the 79th General Assembly had not passed any preemptive legislation.

General Assembly response to Supreme Court rulings

As mentioned above, the 78th General Assembly passed a series of bills to regulate various occupations and professions. These bills dealt with almost the same fields covered by H.B. 3636 (77th General Assembly), which had been struck down by the Supreme Court in *Fuehrmeyer* because of several technical flaws.

The General Assembly has also responded directly to two other Supreme Court decisions. One of the first home rule cases to reach the court was *Bridgman v. Korzen* (54 Ill. 2d 74 [1973]), which concerned Cook County's attempt to use its home rule powers to provide for the payment of real estate taxes in four rather than the two installments provided by statute. The four-installment procedure would have allowed the county and other units of government located in its territory to save millions of dollars in tax anticipation warrants issued for purchases made before receipt of the tax payments. The Supreme Court, however, ruled that the collection of property taxes is not a power or function of Cook County government: "In the process of collecting and distributing tax monies the county acts both for itself and the other taxing bodies authorized to levy taxes on property within the county." Acting to rectify this situation, the 78th General Assembly established an accelerated billing system for real estate taxes in counties over one million population. Any county under three million population has the option to change to the accelerated schedule. The previous payment dates were May 1 and September 1; they are now March 1 and August 1 (*Ill. Rev. Stat.*, 1973, ch. 120, sec. 705).

Another direct General Assembly response to a Supreme Court decision concerned procedures for the establishment of special service areas. The 1970 Constitution grants counties and municipalities the power to levy taxes on designated areas within their jurisdictions to provide special services within these areas (Art. VII, secs. 6(1) and 7(6)). The Local Government Committee of the Constitutional Convention viewed the special service area provisions as a way to encourage flexibility in dealing with local government problems. No longer would local governments have to resort to special assessments or to tax everyone for a service to be provided to only part of its jurisdiction. The village of Oak Park was the first local government to attempt to utilize the special service area provision. The village wanted to employ existing statutory procedures to

Continued from page 86.

pay expenses connected with the construction and maintenance of a downtown shopping mall. In the case *Oak Park Federal Savings and Loan Association v. Village of Oak Park* (54 Ill. 2d 200 [1973]), several local banks challenged the village's actions. Because sections 6(1) and 7(6) include the phrase "in the manner provided by law," the Supreme Court decided that enabling legislation was necessary before the special service area procedure could be employed. The General Assembly quickly passed legislation establishing such procedures (*Ill. Rev. Stat.*, 1973, ch. 120, sec. 1301 ff). The legislation applies to non-home rule as well as home rule counties and municipalities.

Home rule procedural matters

Chapter 46 of the *Illinois Revised Statutes,* the Election Code, provides procedures in sections 28-4 and 28-5 for all local government referenda required under the local government article, including referenda on the question of whether to become or cease to be a home rule unit. Home rule referenda, which may be held in any municipality under 25,000 population, must be registered with the Secreatary of State. Seventeen successful and seven unsuccessful home rule referenda have been held to date. There have been no referenda on the question of ceasing to be a home rule unit.

In the case of a municipality losing population and falling below 25,000 population, the General Assembly has provided that the "municipality shall continue to have the powers of a home rule unit until it elects by referendum not to be a home rule unit." If no such referendum is held, "the corporate authorities shall submit to the voters of the municipality at the next general election following such determination of population, in the manner provided by law, the proposition of whether the municipality shall elect not to be a home rule unit" (*Ill. Rev. Stat.*, 1973, ch. 24, sec. 1-1-9). To date no home rule municipality over 25,000 population has fallen below that figure, and no referenda on ceasing to be a home rule unit have had to be held.

County home rule referenda are governed by the County Executive Act (*Ill. Rev. Stat.*, 1973, ch. 34, sec. 301 ff). In order for a county to have home rule, it must have an elected chief executive officer. Only Cook County had such an officer prior to the new Constitution, and thus was the only county to qualify for automatic home rule status. Nine other counties tried to gain home rule status by putting the county executive question on the ballot in the March 1972 primary elections. (The nine included DeKalb, DuPage, Fulton, Kane, Lake, Lee, Peoria, St. Clair and Winnebago.) The proposition failed by wide margins in all nine of these counties, and Cook remains the sole home rule county. There has been some speculation that the General Assembly will amend the County Executive Act to allow a county to adopt home rule by majority vote of the county board. No such legislation has been introduced to date.□

House of Representatives (January 1975), 42pp.

The special subcommittee was appointed to gather information on health issues and review legislation pending at both the state and national levels relating to public health services and health industry regulation. The subcommittee made recommendations for the implementation of S.B. 1609 (P.A. 78-1156), the health care facilities review procedure.

■ "An Evaluation of Operation Identification as Implemented in Illinois," by Hans W. Mattick et al., University of Illinois at Chicago Circle, Center for Research in Criminal Justice, September 30, 1974, 240pp. plus appendices.

Operation identification, as tried in various parts of the country, involves the marking of goods with the owner's identification number both as a deterrent to crime and as an aid in identification if they are stolen. The conclusion of this extensive analysis states "Operation Identification, as implemented in Illinois, did not reduce the kinds of crime it was designed to reduce, in Illinois."

■ "The Illinois Property Tax System: Problem and Promise," Report of the Joint Subcommittee to Study the Property Tax to the Illinois General Assembly, January 29, 1975, 26pp. plus appendices.

The Illinois property tax system and the current problems with assessments and equalization are discussed briefly but simply and clearly in this report. In one of nine recommendations the subcommittee would remove all property tax functions from the Department of Local Government Affairs and place them in a new state property tax commission composed of three recognized property tax administrators.

■ "Potential Sites for Coal Conversion Facilities in Illinois," by B. M. Hoglund and J. G. Asbury for Illinois Institute for Environmental Quality, October 21, 1974, 121pp.

This study by a private consulting firm established criteria for sites for coal gasification and liquefaction plants and identified six potential sites for the location of large-scale commercial operations. The authors discuss both the technological and social factors that underlay their selection.

■ "Community Development Block Grants: Program Specifics and Application Guidelines for Discretionary Balance Grants," prepared by the Illinois Depart-

Continued on page 105.

Reprinted from Illinois Issues, August 1975

FINAL ARTICLE IN A SERIES OF FOUR
BY STEPHANIE COLE

Home rule in Illinois: No. 4. Local actions

The three previous articles in this series have described the innovative home rule provisions contained in Article VII, section 6, of the 1970 Illinois Constitution, the Illinois Supreme Court decisions affecting home rule, and the General Assembly actions. In this final article in the series, the implementation of home rule at the local level is considered

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FROM THE EFFECTIVE date of the Illinois Constitution in July 1971 to the present, 18 Illinois municipalities under 25,000 population have voted by referendum to adopt home rule, and seven other municipalities have rejected this basic change in their governments. Why? And why was the home rule question defeated so overwhelmingly in the nine counties where the proposition has been on the ballot? How much of an impact has home rule had in the 87 Illinois local governments where it is in effect? To what extent has the functioning of local government been enhanced by the adoption of home rule? Although no final answers to these questions are possible yet, it does seem clear that home rule has permitted many local governments to handle—in their own way—a variety of local problems.

87 home rule units

Sixty-eight of Illinois' 86 home rule municipalities—cities, villages, and incorporated towns—acquired home rule status automatically because their populations exceeded 25,000. Cook County also acquired home rule status automatically because it had an elected chief executive officer. The 87 home rule units are shown on the next page.

Until a home rule unit enacts an ordinance which differs from a state law or which deals with a subject not covered in the statutes, it has the same relation to the state as a non-home rule unit. That is, state laws continue in force in home rule units until a home rule city or county takes an independent local action by its own ordinance. As expressed by Chicago attorneys Louis Ancel and Stewart Diamond:

> "The majority of municipal attorneys believe that home rule municipalities retain the powers and are subject to the limitations of existing Illinois statutory law. To exercise its new powers a municipality must take some affirmative action. Thus, while a home rule municipality now, for the first time, may license general contractors, that power will only spring to life when a local ordinance so providing is passed. On the other hand, even if a home rule municipality took no new action, its licensing of restaurants, for example, would still be valid."

Discussing this point, the Local Government Committee of the Illinois Constitutional Convention stated in its report:

> "Some may question why a local government should be forced to receive home-rule powers if they do not desire to do so. In response it should be noted that although all of the specified counties and municipalities will be empowered to undertake a wide range of activities under the . . . section, no local government will be compelled to exercise these powers. The decision to act or not act will rest in every case with local officials, subject to the supervision of the citizenry at local elections."

Automatic by population

Most members of the Local Government Committee and other convention delegates felt that municipal home rule would be best suited to relatively large cities, villages, and incorporated towns. Consequently, in drafting the Constitution they included the proviso that municipalities under 25,000 may become home rule units only by voter approval in a referendum. To date there have been 18 successful and eight unsuccessful home rule referenda. In Stickney where home rule was defeated on the first try, voters approved the measure several years later. A home

rule referendum may be initiated either by petition of the voters or by resolution of the governing board of the local government unit. Four of the 18 successful referenda were initiated by petition, but in all 18 cases, municipal officials, not the voters, first recognized the possibility for home rule for their communities.

Status gives power

In most of the 18 municipalities which voted to become home rule units there has been some special problem or set of problems which local officials felt could best be dealt with under home rule. In Stickney, for example, village officials wished to impose an admission tax on attendance at Hawthorne Race Course—a tax not permissible under state law for a non-home rule municipality. But after approving home rule status, Stickney was able to pass the tax, which is paid largely by non-residents. Similarly, one of Rosemont's major reasons for becoming a home rule unit was to enable it to impose a privilege tax on the use of the many local motel and hotel rooms. The village of Standard, the smallest (1970 population: 290) and one of the newest home rule municipalities, adopted home rule by the formidable margin of 96 to 4. The action was taken because the village wished to assume, by municipal ordinance, community development authority in order to apply for a grant under the federal Housing and Community Development Act of 1974.

Few generalizations can be drawn from the defeat of home rule in seven Illinois municipalities. Only one of these units—Arthur (straddling the line between Douglas and Moultrie counties)—is outside the Chicago metropolitan area. There were uniformly low turnout rates for these eight referenda (the measure was defeated twice in Long Grove), indicating a lack of public awareness and interest in home rule. Most of the successful referenda, however, were also characterized by low turnouts. Increased powers of taxation under home rule appear to have been the major issue in *all* the referenda. Perhaps the crucial variable is the extent to which local officials can convince voters that they do not intend to abuse this power. Officials in the nine municipalities where referenda were passed in April 1975 were careful to point out to voters that their present local taxation and debt levels were below the levels set by state law.

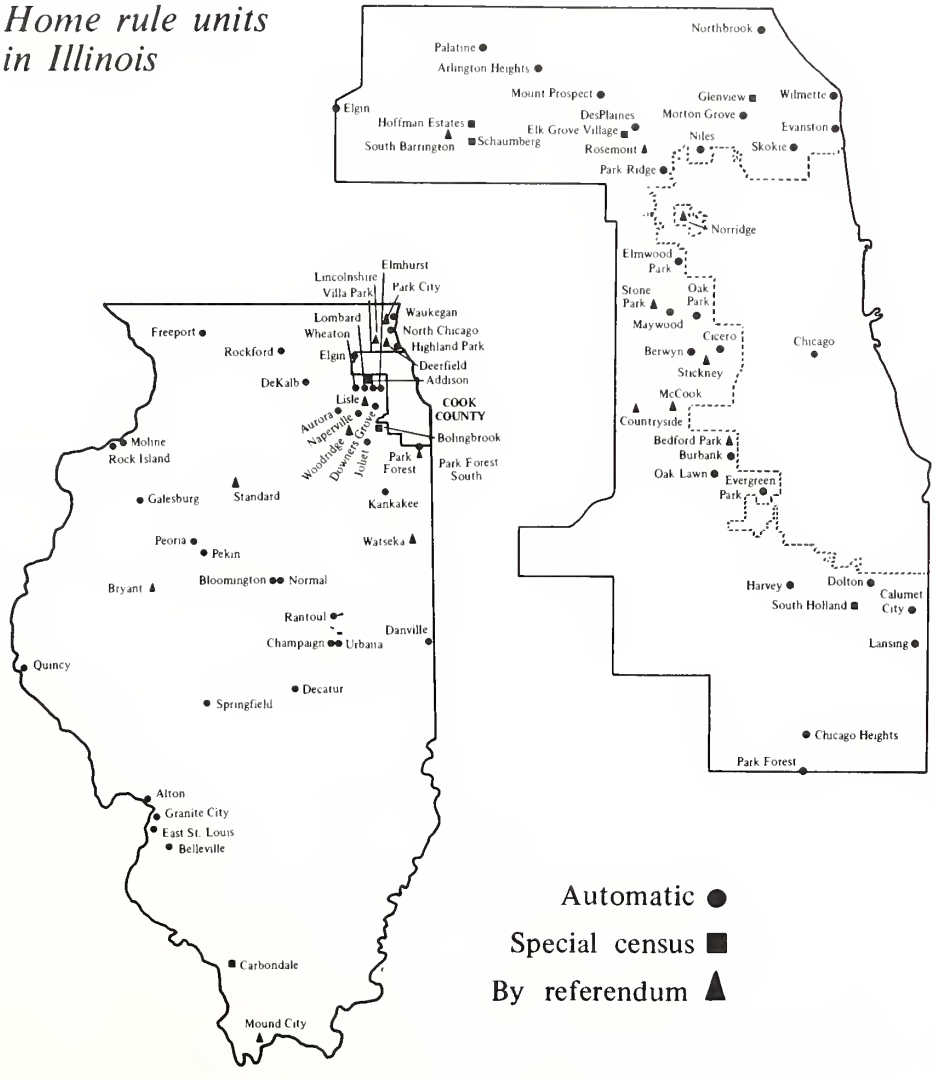
Counties need elected executive

In regard to county home rule, the "Con Con" Local Government Committee was mindful of the traditional weakness of Illinois county government. The resulting constitutional requirement provides that a county must have an elected chief executive officer in order to assume home rule powers. Cook County was the only county to have such an officer prior to the new Constitution, and thus was the only county qualified for automatic home rule status. The County Executive Act (*Illinois Revised Statutes*, 1973, chapter 34, section 701ff) provides the mechanism for electing this officer. The powers and duties listed in the act for county executive officers include the coordination and direction of all administrative and managerial functions of county government except those of other elected county officials; preparation of the annual county budget; and the appointment of members of various county commissions and boards, including boards of certain special districts.

Defeated in counties

To date, no county has elected to become a home rule unit, but nine have tried. In March 1972 the counties of DeKalb, DuPage, Fulton, Kane, Lake, Lee, Peoria, St. Clair, and Winnebago held referenda on the home rule-county executive question. In all nine counties the proposition was defeated by wide margins; the worst defeat was 9 to 1 in St. Clair County. A survey of knowledgeable observers of each county referendum was made by staff members at the Center for Governmental Studies, Northern Illinois University. The following excerpts from the center's findings indicate some of the

Home rule units in Illinois



major reasons for the voters' rejection of home rule.

"STOP (Stop Taxing Our People) was actually a state-wide organization formed specifically to oppose adoption of county home rule. Headquartered in Chicago and directed by Richard Lockhart, an experienced state lobbyist, STOP coordinated state-wide efforts to defeat the proposal . . . . Lockhart stated that members of many professions, including physicians, dentists, engineers, and real estate brokers, felt that county home rule should be deferred until the state legislature passed House Bill 3636 to establish the state's exclusive right to license professions.* Lockhart also admitted providing background information to local opponents and speaking at meetings devoted to discussion of home rule.

"Lockhart's remarks are both consistent with and serve to reinforce our respondents' assessment of campaign activities. Members of professional occupations potentially subject to the licensing power granted home rule units were identified among the leading opponents of county home rule as individuals . . . and as members of organized groups . . . . Opponents were also perceived as more actively engaged in the distribution of campaign literature . . . the majority of which originated from local STOP committees.

". . . . Visible opposition . . . was widespread among potentially influential individuals and organized groups. Opponents of county home rule communicated their arguments more effectively and in greater number than supporters. Supporters' arguments based on the need for professional administration, local control, and increased provision of needed services, were effectively countered by emotional warnings of new and increased taxes, licenses for professions and businesses, and excessive centralization of power in the county executive.

"It appears, as suggested by a respondent from Lee County, that 'the average citizen voted his fears of home rule' "—*1972 County Home Rule Referenda,* edited by David Beam, forthcoming 1975.

Home rule ordinances tend to be tailored to the demands of the local situation as perceived by home rule officials

Local response to home rule

Four years have passed since the new Illinois Constitution went into effect on July 1, 1971. A variety of actions have been taken by home rule units since that time. Most of these actions could probably not have been taken under existing state statutes. A review of these actions shows that home rule officials have been able to respond to many different kinds of local conditions and needs, as anticipated by the Local Government Committee. A broad home rule grant "should stimulate initiative and vigor of local self-government to meet new and expanding responsibilities," according to the U.S. Advisory Commission on Intergovernmental Relations analysis cited in the committee's report.

It should be noted that even when a number of home rule units pass similar ordinances dealing with a particular issue, the ordinances are not necessarily identical. They tend to be tailored to the demands of the local situation as perceived by home rule officials. Few "model" ordinances have been developed. The impetus for passing a particular kind of ordinance, however, often stems either from a favorable judicial ruling or from discussion at meetings of the Home Rule Attorneys Committee which is sponsored by the Illinois Municipal League.

Although there have been relatively few local home rule actions aimed at such pressing social problems as poverty and unemployment, some creative use has been made of new home rule powers. Stickney's racetrack admission tax and Rosemont's hotel-motel tax are two good examples. At least eight other home rule municipalities, including Chicago, have also imposed a hotel-motel tax. Chicago has been the first to institute several home rule taxes: a cigarette tax, an employers' expense tax ("head tax"), a parking tax, a transaction tax on real and personal property, and a wheel tax (also imposed by Cook County). All but the transaction tax have been upheld by the Supreme Court. This tax is now the subject of a suit filed recently in the Illinois Appellate Court, First District (*Williams v. City of Chicago*, Docket No. 61547).

Amusement taxes are in effect in Cicero and Villa Park; Oak Park has instituted a utility tax separate from the utility tax permitted municipalities under state law, and Evanston and Stone Park have imposed gasoline taxes. Although it may be argued that some of these measures are regressive and tend to fall upon those people least able to afford them, the taxes nevertheless have served to supplement static local budgets in a time of high inflation and increased demand for governmental services.

New ways to incur debt

Home rule units have also exercised great imagination in devising new ways to incur debt. The most widely used procedure is the issuance of general obligation bonds without prior approval by the local electorate. At least 16 home rule units have issued such bonds, and at least three other units have passed ordinances which authorize this procedure. (The significance of the

*Although House Bill 3636 (Public Act 77-1818) was passed and signed into law, it was later declared unconstitutional for technical reasons unrelated to preemption by the Illinois Supreme Court (*Fuehrmeyer v. City of Chicago*, 57 Ill. 2d 193 [1974]). A series of preemptive bills passed by the 78th General Assembly which are intended to correct these technical flaws was discussed in the third of this series of articles (July 1975, pp. 205-207).

Home rule is like sex—'when it is good, it is very, very good, and when it's bad, it's still pretty good'

court case which upheld the right of home rule units to issue general obligation bonds without referendum approval was discussed in the second article in this series, May 1975, pp. 142-144.) A number of home rule municipalities have used the Industrial Project Revenue Bond Act (*Ill. Rev. Stat.*, 1973, ch. 24, sec. 11-74-1ff) in ways not conforming with state law. The intent of the act is to encourage industrial development by a liberal system of financing. Home rule municipalities have departed from the act by omitting the statutory seven per cent interest rate limit on bonds and by financing projects unauthorized under the state law.

Stretching the point?

There is some doubt whether the construction of pollution control facilities is permitted under the Revenue Bond Act, and at least eight home rule municipalities have enacted ordinances which specifically include such a facility as a permissible development. In addition, six of these municipalities (Addison, Alton, Danville, Decatur, Granite City, and Joliet) allow "any economic development project" which "will create or retain employment opportunities in [or near] the municipality." In Alton and Rockford, the procedures of the Revenue Bond Act have been adapted for hospital revenue bonds. Another widely used borrowing technique is the use of ordinary bank loans, not authorized by state statute, but often a convenient way to finance relatively small municipal expenditures. Such loans have been negotiated by at least seven home rule municipalities—Bloomington, Burbank, DeKalb, Highland Park, Mound City, Park Forest, and Stone Park.

Using their new powers, a number of home rule units have made changes in the structure of their governments. Cook County was sustained by the Illinois Supreme Court in its attempt to transfer the county clerk's function as ex officio comptroller to a newly created officer, a comptroller. Also upheld by the Supreme Court was the referendum procedure used by Arlington Heights to gain voter approval to appoint rather than elect municipal clerks and to increase the number of members of municipal governing bodies. State law contains no provisions for either measure. Bloomington, Normal, Park Forest, and Wilmette also now appoint their municipal clerks, while Highland Park has increased the size of its city council. A number of home rule municipalities have passed ordinances creating new boards, commissions, and departments.

Various changes in duties of local officers and employees have also been accomplished. These include increasing the power of city managers and redefining the personnel codes of firemen, policemen, and the duties of boards of fire and police commissioners. Other procedural changes have been instituted in the areas of assessment, budgeting, and the sale, purchase and leasing of municipal property.

Perhaps the greatest number of home rule ordinances have been enacted in the area of licensing and regulation. In June 1974 the General Assembly passed a number of preemptive bills, which took away the power of home rule units to license and regulate some 26 professions. Home rule units are free to continue to license and regulate in many other areas, however. For example, at least eight home rule municipalities have revised their review procedures regarding land use. Several environmental control ordinances have also been enacted; Cook County and Stone Park now license mobile homes and mobile home parks; and licenses for apartments, with the fee paid by the owner, are required by Arlington Heights and Oak Park.

Liquor, business regulations

Liquor control is another regulatory area in which a number of home rule municipalities have acted, especially in reaction to a state statute which allows 19 and 20-year olds to purchase and consume beer and wine. Seven home rule municipalities, all in the Chicago metropolitan area, have enacted ordinances which fix the drinking age at 21 for all alcoholic beverages, including beer and wine. These actions have been sustained at the appellate court level. In DeKalb, on the other hand, 19 and 20-year olds may consume *all* types of alcoholic beverages—a probable response to the large student population in the city. These different kinds of actions illustrate the ways in which home rule officials are able to take local conditions and preferences into account.

Home rule units have acted to regulate many kinds of businesses and commercial activities, although there is no clear statutory authorization for these kinds of regulations. These include collection of garbage, return of rent deposit, prevention of fraud, licensing and regulation of cats, inspection of automobiles, and bingo. Among the businesses and occupations regulated are massage parlors, motor vehicle towing services, private security guards, and installers of burglar alarm systems. At least nine municipalities have enacted comprehensive provisions which cover all businesses not specifically listed in other ordinances. Any of the 26 occupations covered by the recent series of state preemption statutes would, of course, be exempt from these ordinances, unless the state laws should be overturned in court.

Impact of home rule

As is evident from this discussion and from the previous articles in this series, home rule has brought about a fundamental change in Illinois government. No longer does the General Assembly exercise almost unlimited power over each and every aspect of local government. Through the constitutional provisions for preemption the legislature can, by positive action, take away many local powers and functions. The General Assembly has, however, acted with restraint. The courts, by their generally liberal series of decisions upholding local actions, have served to strengthen home rule.

Home rule has brought about a new, more open, relationship between state and local governments in Illinois. Whether this favorable climate for home rule will continue in the future remains to be seen. In the words of Local Government Committee member John Woods when he introduced home rule at "Con Con": "Home rule, many of you might know, is like sex—when it is good, it is very, very good, and when it's bad, it's still pretty good." □

NO X *Reprinted from Illinois Issues, July 1975*

Abolish

By LEE AHLSWEDE
Editor of the *Illinois County & Township Official* since September 1971, after several years service as public relations counselor to the Township Officials of Illinois and other local governments, he is author of "Township Government Today" and "Local Government Today," and various historical articles.

IN NOVEMBER 1974, the electorate in some 300 townships throughout Illinois were asked: "Do you want your township retained as is or consolidated into a larger unit?" By overwhelming majorities the people voted for their own township government — against consolidation. The pluralities went as high as 90 per cent. On an average, township government was supported by more than three to one.

We could practically close the case for retaining township government right there. If we in the United States and in Illinois believe in and support government by the will of the people, then townships certainly should not be abolished.

But we need not rest the case on the November 1974 election. The question also arose in 1974 in the General Assembly on whether townships should be given broader powers in their application of federal revenue sharing and general funds. By substantial majorities, both houses approved Senate Bill 1314, and it was signed into law by Gov. Dan Walker in September 1975.

Earlier in the year, township government was challenged as a unit of general purpose government by its perennial detractors, the League of Women Voters (LWV). The issue, which related to the right of townships to receive federal revenue sharing funds, was submitted to the Department of the Treasury in Washington. Without hesitation, the Treasury Department ruled in favor of township government.

In late 1972 and early 1973, the LWV launched a concentrated, aggressive campaign to abolish townships in Cook and DuPage counties. In two Cook County townships—Northfield and Niles—referenda were held on the abolition question. In Niles Township, League members and officials took temporary leaves of absence from their organization to run for township offices in the 1973 election. Their platform stated that they would abolish township government if they were elected to office. These abolitionists were beaten by nearly three to one. The two referenda supported township government by three-to-one and two-to-one. The people spoke loudly and clearly against abolition. Very obviously, abolitionists and the LWV represent a minority opinion. To circumvent the majority, they have sought extrajudicial ways to abolish or butcher townships.

Of course, the LWV is not entirely alone. The Daley political machine in Cook County would like to wipe out townships. There is also a variety of minority groups and associations throughout the country which promote regional government and don't want townships in their way. It is easy to understand why Mayor Daley wants to abolish townships in Cook County. The county political machine would then control suburban and rural areas, which are now mostly in the hands of the opposite political party. The LWV and the other associations all say the same things: "Township government is obsolete, inefficient, wastes money."

A comparison of township government and larger governing units, however, demonstrates the ability of the townships to perform better, more efficiently and more economically. For example, in Cook County, townships handle general assistance (temporary welfare) in suburban and rural areas, just as the county government does in Chicago. A few years ago a study, based primarily on data supplied by the Illinois Department of Public Aid, found that the cost of administration of general assistance by townships to be *half* that of the county's. Over a 10-year period of rising costs, county costs *quadrupled,* while township costs increased at only half the county rate.

Throughout downstate Illinois, there is much debate about retaining township tax assessors. In a presentation made to the Joint Legislative Committee to Study the Property Tax, Rep. Calvin Skinner, Jr., (R., Crystal Lake) showed that township assessors outscored commission county assessors by substantial margins on "coefficient of dispersion" performance ratings.

Another example: A downstate study, made by the Township Officials of Illinois Association a few years ago, showed that administrative costs for road maintenance by townships averaged less than half that of county costs. There was an even more startling revelation in Cook County. Better Government Association figures released in 1973 showed that the county spent $5.7 million to maintain 580 miles of roads. A comparable study revealed that the 30 townships in Cook County, maintaining about 600 miles, spent only a little over $1 million. There was substantial evidence, too, that township maintenance was superior. Efficiency and economy were clearly demonstrated by townships.

Are townships obsolete?

This form of government was founded in the mid-1630's to give voice to freemen resisting the control of the Massachusetts Bay Colony. Many political observers today think the United States is headed in the direction of totalitarianism. If this is true, we absolutely need the free, grass roots form of government which townships represent. In fact, we need to make it stronger.

The people want township government. The Illinois General Assembly has strengthened it in recent years. The governor supports it. Charges against it fail to hold water. And township government, with elected, not appointed, local officials is essential to maintain democratic processes in Illinois and in the United States.

Of course township government must be retained! □

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YES [X]

townships?

By THE LEAGUE OF WOMEN VOTERS

A nonpartisan political organization, the League's purpose is to promote political responsibility through informed and active participation of citizens in government. The League's position on townships was written in this article by Shirley R. Keller, president, LWV of Cook County, and Ann F. Scollay, township coordinator.

THE LEAGUE of Women Voters (LWV) of Illinois supports the elimination of townships with transfer of their functions to general purpose governments — counties and/or municipalities.

Under the 1870 Constitution, Illinois established more local governments (6,600) than any other state. The framers of the 1970 Constitution recognized the need for reform and made provisions to improve and strengthen counties and municipalities, reducing the need for other governmental units which unnecessarily burden the taxpayer. Intergovernmental agreement, differential taxation, and new special assessment powers for counties offer an opportunity to improve services, provide equity in taxation, and reduce the cost of local government.

Counties have responsibility for state services performed for other local government units: assessment of property, collection and distribution of taxes and conduct of elections. They also have primary responsibility for municipal services to unincorporated areas. Townships, established in 1848 as subdivisions of the county, performed these functions locally.

In 1840, only 2 per cent of the Illinois population lived in a municipality; today the figure is 83 per cent. Cities and villages (municipalities) serve as the *closest* local government and provide basic governmental services for their residents. Modern communications, transportation and technology have diminished the need for townships. At present there are 1,433 townships in Illinois, an average of 17 per county, each with elected officials (up to nine per township), offices, staff, garages and equipment.

The 1970 Constitution transformed townships into "units of local government . . . . which exercise limited governmental powers," permitting them to be formed, consolidated or dissolved by referendum. Services can better be provided by general purpose governments.

For example, utilization of township assessors results in unequal treatment of taxpayers, units of local government and school districts. Each of the 1,403 township assessors, usually untrained, has his own procedure and policy. Township assessors are elected and, therefore, are virtually autonomous. Assessments are so varied that multipliers are used among townships within a county, as well as between counties, to attempt to achieve uniform valuation statewide. The state should establish assessment standards to be enforced by the county supervisor of assessments. Since the number, location, and complexity of property parcels varies within each county, professionally trained staff should be employed and assigned by the county assessor as needed. Township assessors should be eliminated along with the cumbersome, inequitable assessment procedures they employ.

The township maintains residential roads in the unincorporated areas but taxes *all* township residents. One-half the road and bridge taxes collected within a municipality reverts to that municipality. Municipal residents pay for unincorporated streets as well as for their own streets. There is no such reciprocal payment by residents of unincorporated areas. Counties, by using differential taxation and special assessments, can provide for road maintenance or other municipal services to the unincorporated areas more equitably. The cost of government can be reduced by eliminating unnecessary township buildings, equipment and staff.

Townships provide general assistance — short-term emergency aid to the needy. Of the 1,433 townships, only 38 by virtue of a one mill tax levy and acceptance of state aid, follow uniform eligibility and payment standards. Standards in the remaining 1,395 townships are set arbitrarily by township supervisors, resulting in wide disparities in eligibility and levels of aid. Low case loads preclude professional services; administrative costs equal or exceed the cost of the aid rendered. The state should establish *minimum* standards to assure due process to recipients. Municipalities and/or counties can provide emergency aid locally based upon the cost-effectiveness ratio.

The federal revenue sharing legislation (State and Local Fiscal Assistance Act of 1972) designates Illinois townships as recipients of revenue sharing (GRS) diverting funds from counties and municipalities who have the need for and the statutory authority to expend the monies.

Municipalities and counties have broad grants of legislative power but receive less money proportionately than townships. The 20 per cent floor gives townships from 20 to 50 percent of their budgets, municipalities only 2 to 6 per cent. Lower income citizens in Chicago are deprived of township level allocations since Chicago's townships are inactive.

Because townships are not general governments in Illinois, it became necessary for the legislature to grant townships the power to spend GRS. The legislation provides expenditures be made by contractural agreement with other units of government, other programs limited by their statutory authority, and by contract with existing not-for-profit organizations. In effect, an unnecessary third level of general government has been created.

The LWV seeks an orderly realignment of local government to make it more economical, responsive, visible and efficient. The League advocates the elimination of townships, and the strengthening of counties and municipalities. □

By PHILIP B. ELFSTROM and JAY SMITH

Reprinted from Illinois Issues, October 1975

County government in transition

EDITOR'S NOTE: Observations in this article have more direct application to the urbanized counties of the state than they do to less populated counties, but the article does not attempt to review developments in Cook County.

OVER A PERIOD of time the position of counties as the fundamental unit of local government has been usurped by the cities. Counties continue to operate along the same lines as they did in the nineteenth century.

Currently, however, there are several indications that county government is becoming a brighter star in the Illinois local government galaxy. The major catalysts of change have been (1) the reapportionment impact on the composition of county boards that was first felt in 1972; (2) the opportunities made available by the new Illinois Constitution (though counties have been somewhat slow in pursuing their opportunities); and (3) new federal and state government policies affecting local governments.

Effective in 1972, the size of most county boards was significantly reduced, though boards still remain fairly large. A few had been as large as 50 members and many still consist of 25 to 29 members. But there are 17 commission counties whose boards have been and still are composed of three elected commissioners. Boards now generally represent the county constituency on a one person, one vote basis. Some counties—Kane for example—have set up single-member districts for board elections. As a consequence, standards of constituent accountability have been imposed on board members that are not experienced in counties which retain multiple-member districts.

The 1972 election brought in new board members whose orientation and attitudes differed significantly from those who served as "county supervisors" prior to 1972. A survey study conducted by Professor Thomas D. Wilson of Illinois State University concluded that compared to board members who served immediately prior to the 1972 election, those who were elected in 1972 were,

> ". . . more receptive to county reapportionment, to having the county provide urban type services to unincorporated areas, to having an elected county executive and/or a full-time appointed professional administrator for the county, to centralizing local welfare under a county-wide administrator and to combining township road districts. 'New' board members were also more receptive to the 1970 Illinois Constitution . . . including home rule, differential taxation, the combining or elimination of county offices, and an extensive grant of power to engage in cooperative ventures with other units of local government." (Wilson, "ISU Reports on County Board Member Attitudes," Illinois County and Township Official, January 1974, p. 11-17.)

A great part of this change can be tied to the fact that Illinois county government since 1972 has not had the institutional linkage it once had to township government. Township supervisors no longer automatically serve concurrently on the county board. The link was not severed altogether, however, because many county board members continue to serve as township officials.* House Bill 1645 (P.A. 79-457), passed at the spring session, permits simultaneous holding of both offices for persons elected on or before 1977.

The new Constitution

Although adoption of the new Constitution has encouraged changes in Illinois county government in several ways, there are only a few examples of implementation of the Constitution's positive provisions by and among counties. The glamor of the new Constitution, particularly its home rule section, probably heightened interest and attracted candidates for the 1972 county elections. Most certainly, discussion of county related issues became more intense than before. Nine county home rule referenda were held in 1972, but all failed (see *Illinois Issues*, August 1975, p. 244).

Other changes were brought about because the Constitution took away from counties the collector's fee they re-

**In an opinion to Jack Hoogasian, state's attorney, Lake County (S-877, 3/17/75), Attorney General William Scott held the offices of township supervisor and county board member incompatible (see* Illinois Issues, *July 1975, p. 219).*

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Chairman of the Kane County Board since 1971, Elfstrom is treasurer and immediate past president of the Urban Counties Council of Illinois. He has served on the Kane County Board since 1969 and holds a B.A. from the University of Kentucky.

JAY SMITH
A field administrator for the Urban Counties Council of Illinois, under a grant from the Lilly Endowment and administered by the National Association of Counties, Smith served as an elected member of the Champaign County Board from May 1972 until May 1974. He holds a B.S. in economics and an M.A. in social science from the University of Illinois.

The authors acknowledge reliance on a paper, "Illinois Local Government Under the 1970 Constitution," by Thomas D. Wilson (Normal, Ill.), Division of Continuing Education and Public Services, Illinois State University, 1975.

Will the basic unit of local government of the Nineteenth Century rise phoenix-like to new stature in the last decades of the Twentieth Century?

ceived from other units of local government for property tax administration services. The fee had been an important source of revenue for counties, and its loss has caused counties to search for new sources of revenue and to become more conscious of their cost-effectiveness.

State and federal policies have also caused changes in Illinois county government. A few recent state developments have strengthened the position of county government, but county officials are becoming increasingly resentful of the tendency of the state to circumscribe their decision-making autonomy while simultaneously placing expenditure obligations on the counties. A case in point was a 1974 legislative decision requiring certain governments to bear a major part of the burden of judicial salary increases, but H.B. 437, passed at the spring session, will reverse this decision if signed into law by the governor. The federal government on the other hand, while making demands on local governments, has often offered counties the financial resources needed to carry out innovative programs; manpower and community development are recent examples.

Evidence of new vigor in Illinois county government can be seen in several areas including (1) revision of the internal governing structure of counties; (2) modernization of county administrative management; (3) expanded county service delivery; (4) new trends in county financing; and (5) new decision-making autonomy for counties. Where there are not concrete instances of change in these areas, there is at least lively discussion.

The upshot of revisions in the internal governing structure of counties is that county boards are becoming more assertive. The plural executive system still exists—with an elected clerk, sheriff, treasurer, coroner, state's attorney, etc., each with statutory executive authority in his own bailiwick—but it is fading. Several counties in 1972 passed referenda to abolish the office of coroner as an elective office, substituting an appointed officer. A referendum on the abolition of the elected recorder failed in Kane County in 1972, but county boards in various counties are again considering referenda on the elimination or consolidation of certain elective offices in 1976. The elimination of these elective offices is largely the result of the 1970 Constitution (Article VII, section 4 (c)) which establishes only three elective county offices—sheriff, clerk and treasurer—and allows others to be elected or appointed by law or county ordinance. And even the offices of sheriff, clerk and treasurer may be eliminated, made appointive, or changed as to term by countywide referendum.

If the county board was not previously the most important entity in the constellation of county executive offices, in most instances it is now. County boards control the budgets of all county offices. Control of these purse strings is a formidable policy lever. Boards, particularly in the urbanized counties, have used their budgetary control as an instrument of management modernization, almost always with the full cooperation of other elected officials. The centralization of a number of administrative services under the auspices of the board in some counties, while done to achieve cost savings, has also increased the authority of the county board itself. The kinds of functions being performed on a central service basis in many counties—others are sure to follow—include purchasing, personnel administration, data processing, microfilming, management and budget analysis, and grants administration.

Perhaps the most important development affecting the management modernization of Illinois counties and reinforcing the authority of the board within the county structure is the trend toward the establishment of professional staff support for county boards. While the majority of Illinois county boards still lack even a secretary (other than the county clerk), a few have large support staffs directed by a person whose job description sounds like that of a "county manager." In 1972, Lake County established a department of management services, and at about the same time St. Clair County set up an office of administration. The directors of these departments in Lake and St. Clair supervise sizable professional staffs and have broad discretionary authority in administrative areas.

Several other counties, including DeKalb, DuPage, Kankakee, Madison, McLean, Peoria, Sangamon, Will and Winnebago, have at least one qualified person who serves full time as a general administrative aide to the county board. Most recently, Warren County (population 21,000) became the smallest county to retain a professional county board administrative assistant. Some of those counties that do not have an appointed general administrator have been able to call on elected officials to perform comparable duties. In both Kane and Tazewell counties, for instance, the elected auditor serves in many ways as an administrative assistant to the county board.

Assuming more roles

In addition to internal structural and administrative changes, Illinois counties are assuming an expanded service-delivery role, prompted by both local demands and federal funding incentives. More counties are becoming involved in public works programs although only a few have public works departments. Legislation passed at the spring session would allow counties to perform other municipal type public works services such as street lighting and sidewalk construction (H.B. 91).

Counties are also becoming leaders in tackling environmental problems. Several have begun developing solid waste disposal systems including sanitary landfills. The counties' participation in land use control through zoning and building regulation has a decided impact on the environment, and though there are still several counties without zoning codes, many have recently enacted zoning ordinances for the first time.

Social services is another area of activity. State and federal policies have encouraged community treatment for adult and juvenile offenders, for the mentally handicapped, and for dependent and neglected children. County governments have been called upon to develop innovative corrections and probation programs and to create systems of intervention designed to prevent juvenile crime. Funds from the

The tone of progressive change in county government rings more clearly in chorus than it does in solo

federal Law Enforcement Assistance Administration have offered strong incentives for innovations in these areas. Finally, counties have become interested in coordinating job training for targeted underemployed or unemployed individuals through the CETA (Comprehensive Employment and Training Act) Manpower program. Illinois counties will, in effect, become "agencies" directly involved in attacking the problems of urban blight. The federal Community Development Act is a formula block grant program that combines a number of existing programs of the U.S. Department of Housing and Urban Development and designates five urban Illinois counties for formula entitlements, with all other counties eligible to apply for discretionary funds.

Short of money

Despite this impressive list, Illinois counties have had to exercise restraint in developing new services and programs because of their limited revenue base. In recent years counties have lost the fee for tax collection services, they have lost sizable personnel property tax revenue, and they continue to lose the base for their income and sales tax receipts as unincorporated areas are annexed into municipalities. Although revenue sharing and other federal funding programs have partially compensated for the losses, counties are now far weaker fiscally than they were four years ago. Additionally, because of inflation, federal aid in real dollars to counties actually decreased nationally by nearly 3 per cent in 1974. A cursory study by the Urban Counties Council of Illinois in the summer of 1974 indicated that the general funds of 11 of 18 counties surveyed were in the red.

Short of money, counties have asked for a distribution of sales and income taxes that recognizes that counties serve incorporated as well as unincorporated areas. They have also sought permission to raise court fees—which now fall far short of covering the costs of judicial administration—and permission to levy a motor vehicle tax countywide. There has been no legislative enactment of any of these proposals, but the direction counties have taken in their legislative requests indicates a recognition that the property tax is outmoded and that more elastic revenue sources must be found.

As the debate over the property tax grows, county government will be more and more in the spotlight. Because counties are responsible for collection of the property tax, they often receive the blame for the inequities of the tax, a blame that is in important respects misplaced. Counties are hardly responsible for the high levels of the tax. In 1972 (the most recent year for which complete statistics are available) they received only 8.5 per cent of all property tax collections in the state while 58 per cent went to the schools. Inequities in assessments are partly the responsibility of county governments because they are supposed to insure fairness within each county. But, it is also the responsibility of the townships, which do the initial assessing, and the state Department of Local Government Affairs, which is required to equalize assessment levels among counties. A special joint legislative subcommittee (the "Clarke Property Tax Subcommittee"—see "Politics of equalizing the property tax," *Illinois Issues*, June 1975, p. 179ff) has proposed procedural reforms, some of which may be on the legislative agenda for years to come. One likely end result is that county government will carry more responsibility in the future for assuring assessment equity.

The home rule question

Of all of the changes in county government in Illinois, none is likely to be more significant than the desires of some counties for more independence in decision-making. The home rule question will probably be on the ballot in 1976 in some counties and in the next decade will most certainly be a major issue in the urbanized counties. Chances for passage should be much greater in 1976 than in 1972 when home rule was new and unknown in Illinois. Now there has been a substantial number of legal decisions which have reasonably defined home rule powers. The necessary change in county government in order to acquire home rule is passing a referendum to create the elective office of county chief executive (Constitution, Art. VIII, sec. 6(a)). Counties that approach the home rule question properly will have time to employ citizen study groups to explore the questions of county government reorganization.

Other new powers

Even without home rule, the new Constitution has given counties a degree of autonomy. The constitutional authority granted local governments to enter into intergovernmental agreements has definitely increased their powers. One interpretation of the intergovernmental cooperation provision of the Constitution suggests that local units may "piggyback" powers through interlocal agreements. For example, a county might take on certain specific powers of a home rule municipality through an appropriate service agreement with such a municipality. The 1970 Constitution also offers counties (and municipalities) an innovative means of financing certain services (Art. VII, sec. 7). Under this provision, a county may establish a special services area, with an added tax in only that area for the special service provided, but no county government has established such an area. This new provision means that county government can provide a new service to an area without taxing the entire county. It is also an alternate to the pyramid of special taxing districts.

It should be noted that the tone of progressive change in county government rings more clearly in chorus than it does in solo. In no single county is the breadth of depth of transformation as great as that described in this article. Barriers remain.

County government is not yet highly visible to the citizenry, but in the face of the proliferation of state and federal bureaucratic management regions it seems possible that voters will take an increasing interest in county government. Counties are in a sense already "regions," regions whose decisions voters can measurably control. As a New Jersey local government study commission concluded, "Even if county government had not existed in the Anglo-American structure it would have to be invented now." □

Washington

By TOM LITTLEWOOD

Reprinted from Illinois Issues, January 1975

Federal revenue sharing, which has poured $800 million into Illinois, stirs critics

OVER A two-year period, the State and local governments of Illinois collected over $800 million in newly shared federal revenue. More than one-third of the allotment — $270 million — was turned over to the State government. Chicago received $183 million directly. Other Illinois cities were eligible for $160 million; counties, $124 million; and townships, $70 million. The funds — $30 billion over 5 years — were made available with few restrictions.

That the State and local Fiscal Assistance Act of 1972 passed in the first place was something of a political miracle. Elected officials who bear the responsibility for levying taxes cherish the privilege of deciding how the money is to be spent. Now, well in advance of the 1976 expiration date of the law, efforts are underway to extend the authorizing legislation in the 1975 session of Congress.

Spending priorities criticized

Congressional complaints have focused on spending priorities. Instead of expanding services, the extra revenue often was used to reduce local taxes or avoid tax increases. At the municipal level nationwide, almost half the money was devoted to police protection. Building projects were favored over social services. The ideal of involving more citizens in the budget planning processes didn't pan out that way, and there were racial discrimination allegations in some places (including the Chicago police department). Liberals noted that services for the poor, the handicapped, and children and the elderly generally, accounted for very little of the expenditures.

Compounding their displeasure, Democrats who supported revenue sharing with the understanding that it would not be a substitute for categorical social programs accused President Nixon of double-crossing them by shrinking the budget for such special-purpose grants. Some scholars are convinced, moreover, that the fiscal sustenance will help to preserve fragmented archaic local units of government that ought to be consolidated or reorganized. And there is a continuing concern as to whether such federal generosity can be afforded while the necessity of a balanced budget is being stressed as an anti-inflation policy.

During the recent election campaign, President Ford warned that the principle of revenue sharing would be jeopardized by the election of more Democrats to Congress. It is unquestionably true that lingering opposition to revenue sharing is concentrated among Democrats, especially those who serve on committees that design and oversee federal grant programs.

States' share under fire

The Governor-elect of New York, Hugh Carey, who was a member of the House Education and Labor Committee, made the surprising proposal during his campaign that the state governments' share be split up among the cities. He was joined in that suggestion by the chairman of the House Ways and Means Committee, Rep. Wilbur Mills (D., Kensett, Arkansas).

Since then, Mills' committee has lost its jurisdiction over revenue sharing, so his opinions don't matter nearly as much any more. Pressure for committee reorganization forced a transfer of revenue sharing to the Government Operations Committee. Chairman Jack Brooks (D., Beaumont, Texas) and most of the other ranking Democrats on that committee are small city representatives who opposed the original bill and remain hostile to revenue sharing. It is axiomatic, nevertheless, that government spending programs are seldom halted once they are started — certainly not one with such a politically potent constituency as governors, state legislators, mayors, county and township supervisors.

Regardless of what Mills or Carey may think (and Carey will probably experience a change of heart as he steps closer to the governor's chair), Congress is not about to cut the states out of the program. Already the state government lobbies are preparing to demonstrate that state budgets are not in clover, contrary to the impression that may have gotten around.

A fundamental issue that will surely be re-argued when the extension comes before Congress is whether the needy central cities are receiving a fair share in relation to their affluent suburbs.

Tighten up on townships' share?

There also is a desire to make it more difficult for New England counties and Midwestern townships — many of which are not general-purpose units — to qualify for assistance. Rep. John Erlenborn (R., Elmhurst, Illinois), the second ranking Republican on the Government Operations Committee, agreed that a case can be made for eliminating Illinois townships that exist primarily to maintain roads.

Looking ahead, the big battles probably will be over the length of the next commitment; whether the revenue sharing pot should be a fixed percentage of federal tax collections; or whether the appropriations and budget committees of Congress should have the power, as they do not under the present law, to adjust the annual outlays according to the condition of the federal budget.

Reprinted from Illinois Issues, January 1975

By PAM BRUZAN

A simple process, but speed and bargains are not included in the procedure

How to get a traffic light installed: The story of how one village did it

FAST AND inexpensive it's not. But acquiring a traffic signal is as basic as:

ONE: establishing the need.

TWO: designing plans and letting bids.

THREE: waiting.

Rochester, Illinois, a small community about five miles southeast of Springfield, is now waiting for final adjustment of its newly installed traffic control signal. In September 1972 a group of citizens met with Village and State officials to request installation of a signal at the intersection of a Village street and the four lanes of Illinois Route 29, located in front of the Rochester school grounds.

Robert Wire, a registered professional engineer who was involved in the project, explained the general procedures for acquiring traffic signals. He works for Crawford, Murphy, & Tilly, Inc., the Springfield firm of consulting engineers hired by Rochester.

Illinois and most other states, Wire explained, have adopted almost intact the *U.S. Manual on Uniform Traffic Control Devices for Streets and Highways*. Following these guidelines, consulting engineers and State officials determine the need for and the basic design of traffic signals. Wire explained that almost any group, including citizen groups, may pursue such a project. However, he recommended that local municipality, county or township officials support the request.

Justifying a signal

There are several traffic situations which warrant the installation of a signal. Justification can be based on heavy traffic, delays to traffic from side streets, or pedestrian difficulties in crossing a street. A signal may also be installed at heavily used school crossings, repeated accident locations, areas of heavy traffic flow, or at a site for a combination of these reasons. The combination of reasons and accident experience is hard to prove, Wire advises. Even fatal accidents do not always justify signal installation.

Rochester's request was found to be warranted as a school crossing site after the State Department of Transportation studied the area. Local governments may also hire consulting engineers to do the necessary studies, presenting their request with substantiating data. Engineers were authorized to begin design of Rochester's lights in summer 1973. Plans for basic signals take about a month to design, Wire estimates. These plans are then reviewed by the State. The time this takes depends partly on how many other plans are being concurrently reviewed. Wire advises that plans will generally be returned at least once for revisions.

After plans were approved, Rochester advertised for bids through its consulting engineers. The State may advertise and generally either the State or the municipality may receive bids.

The cost is not cheap

Signals are not cheap. Wire hesitates to classify any one type of project as a "simple" intersection, since each situation is unique. However, he estimates a basic four-way fixed-time device costs about $25,000, including engineering. "That could easily double in the more complicated intersections," he cautions.

In most cases, project costs will be shared between local and state or federal governments. In a sharing situation a city-state agreement delineates cost and procedural responsibilities. Municipalities with a population larger than 5,000 may participate in the Federal-Aid Urban Program under which federal financial help may be obtained. The state may assist financially if at least one approach to the intersection is a state route. In any case, consulting engineers will generally advise clients of the cost-sharing options.

The wait begins after contracts are awarded. If the signals are operating a year after the contract is awarded "you're lucky," Wire says. There are two primary delays. Steel used in mast arms is in short supply. Also, the design of traffic signal controllers is in a state of technological flux, making it difficult for producers to keep pace with design changes.

Rochester's bids were let in May 1974. Work started almost immediately, but stopped when necessary mast arms were not available. In this case, temporary signal installation was possible, and lights were installed directly on the poles. This too was expensive. The Village, which split the $32,000 cost of the permanent installation with the State, had to pay all $1,200 for the temporary installation.

Rochester Village President Robert L. Martin compliments engineers who installed the traffic signal, which was definitely needed for the safety of school children. But Martin notes, "It's very expensive, even on a 50-50 basis." The signals have taken a portion of the motor fuel tax funds the Village has been accumulating for major street work. Martin adds, "In spite of what your engineers or people in the community might tell you about the possibility of speeding the project, it just isn't so. When you are dealing with a larger governmental body you're going to do what they want to do when they want to do it."

The process is simple, but speed and bargains are not included. □

PAM BRUZAN

Graduate of Syracuse University in New York and formerly reporter for the *Illinois State Register*. Now part-time freelance writer, housewife and mother.

Selected state reports

Continued from page 93.

ment of Local Government Affairs, December 1974, 68pp.

Detailed information is provided on Title I, the community development block grant program, of the 1974 Housing and Community Development Act. The booklet is specifically designed to assist communities interested in applying for discretionary balance grants.

■ "A Brief History of School Finance in Illinois: Being a Layman's Guide Through the Snares of the State Aid Formula and Other Matters," Office of the Superintendent of Public Instruction (August 1974), 21pp.

This explanation for the general public discusses the system of aid to elementary and secondary education since 1835 with particular attention given to state aid formulas since 1969.

■ "Report and Recommendations," Subcommittee on Federal and State Financial Aid Programs, House Committee on Higher Education (December 1974), 22pp. plus appendices.

The subcommittee studied how state and federal aid becomes available to students who want to continue their education. It was particularly interested in the fit of federal to state programs, the mechanics of aid decision-making, and the groups reached by aid programs.

■ "Report" of the House Action Committee on Child Care to the 79th Illinois General Assembly (March 1975), 25pp. plus appendices.

This committee and its predecessor, the Legislative Action Team on Child Care, were created as a result of public furor over alleged irregularities in child welfare services provided by the state and particularly by the Department of Children and Family Services. The committee investigated and made recommendations on child-care and treatment facilities, guardianship of state wards, and amendment of the Juvenile Court Act.

■ "The Current Highway Situation in Illinois, 1974-1992," a report to the 79th General Assembly by the Illinois Transportation Study Commission (March 1975), 60pp.

In this the first of a series of reports on "the needs, finances, and other problems related to . . . public transportation within Illinois" the commission assesses the current financial condition of the state's highway program.

Continued on page 106.

Reprinted from Illinois Issues, March 1975

By CRAIG SANDERS

Offices are located around the state to handle complaints of fraud

How to seek consumer protection from the attorney general

YOU THINK you've been defrauded. What can you do? You can enlist the help of the consumer fraud division of the Attorney General's (AG) Office, says George Shafer, chief of the downstate consumer protection bureau. Any consumer may seek help from any of the consumer protection offices around the state.

Residents of Cook County and the five surrounding counties — Kane, DuPage, Will, McHenry, and Lake— can apply to an Attorney General's branch office in their county, says Shafer, adding that some are staffed with personnel who speak the foreign language that might be used in that area. The rest of the state is covered by the AG's office in Springfield and branch offices located in Rockford, Rock Island, Peoria, Alton, Charleston, East St. Louis, Carbondale, Rantoul, and Bloomington.

What can the AG do? "We have the right to ask for civil forfeitures of up to $50,000, and the power to conduct investigations both formal and informal in which we can call witnesses and anything of an evidentiary nature," Shafer explained. Every month about 2,700 new files of suspected consumer fraud are opened in the AG's office, and Shafer says the office is responsible for returning about $270,000 a month in cancelled checks, negotiated cash settlements, or actual cash refunds.

To file a complaint, a consumer can call, write, or visit any AG's consumer protection office around the state where he will be given a complaint form. The consumer is asked to fill in details of the suspected fraudulent transaction, and supply photo copies of supporting documents such as cancelled checks and contracts. The complaint is then forwarded to the branch office nearest the business against which the complaint is filed. "From there on, there is no set rule on the handling of the complaint," Shafer explained.

"Most of the time we deal with mistakes, computer errors, and breakdowns in communication between the consumer and the producer," Shafer said. "I would say under 15 per cent of the cases we handle are founded in hard-core fraud," he said, describing hard-core fraud as not just violations of the Consumer Protection Act but also a possible violation of the Illinois criminal code.

If the AG's office does not have any jurisdiction over the complaint, it attempts to determine if there is a governmental agency with jurisdiction and then forwards all correspondence to that agency. There are a small number of cases where the only redress the consumer has is through a civil proceeding in the courts, Shafer said, "but we help the consumer find legal help if necessary."

If a complaint is against an out-of-state business, the AG's office can subpoena the firm and hold a hearing, or seek a court order to prevent them from doing business in Illinois should they fail to comply with the subpoena. "But if we're unsuccessful in taking action, we will forward the complaint to the attorney general's office in the state the firm is based in," Shafer said.

Despite the fact that the number of consumer complaints reaching the AG's office is growing each year, Shafer says he does not feel this reflects an increase in actual consumer fraud, but means that more and more Illinois residents are becoming aware that they can seek help if they feel they've been defrauded.

CRAIG SANDERS
A graduate student in political studies at Sangamon State University, Sanders covered student and faculty government as a student editor of the *Eastern News* at Eastern Illinois State University where he graduated in 1974 with a bachelor's degree in political science.

Reprinted from Illinois Issues July 1975

Selected state reports

Continued from page 105.

■ "Day Care Licensing and Regulation: A Program Evaluation," by the staff of the Illinois Economic and Fiscal Commission, 78th General Assembly (October 1974), 93 pp. plus appendices.

The staff of the commission reports the findings of its study of the licensing and monitoring of day care facilities. The staff found that the state supervision program fell short of (1) criteria set by statute and regulation, (2) expectations of participants and staff, and (3) guidelines of other states and the federal government. The staff's recommendations are included.

■ "Illinois Population Projections: Summary and by County, 1970-2025," Illinois Bureau of the Budget (March 3, 1975), 320pp.

All but 15 of the 320 pages of this report are an appendix projecting resident population by sex and five-year age increments for all Illinois counties for 1970 through 2025. Illinois' total 1970 population of 11 million is estimated to increase to almost 17 million by 2025.

■ "Open Primaries," report of the Committee on Elections to the House of Representatives, 78th General Assembly (December 1974), 49pp.

The letter of transmittal calls this an "inconclusive report" on the feasibility of amending Illinois law to allow voters to vote in primaries without disclosing their party affiliation. The report includes a brief history of primaries in the U.S., a discussion on the advantages and disadvantages of the open primary, and an appendix of information on voter turnout in 18 open and closed primary states.

■ "Redlining: Discrimination in Residential Mortgage Loans," a report to the Illinois General Assembly by the Illinois Legislative Investigating Commission (May 1975), 409pp.

Redlining is the denial of residential mortgage loans for the purchase of property in certain Chicago neighborhoods. The commission's investigation of redlining, and their conclusions and recommendations, are contained in this report.

Continued on next page.

Tax relief for the elderly: How much and how to get it

AS MUCH AS $600 a year in tax relief grants is now available to senior and disabled citizens of Illinois under the Senior Citizens and Disabled Persons Property Tax Relief Act (the so-called "circuit breaker" law). Grants up to $500 were available under the original 1972 law to the elderly or permanently disabled who pay property taxes (or rent) on homes (including those in nursing and sheltered care homes). Recent additions provide between $50 and $100 more to these people—and now also to senior and disabled citizens who live in housing exempt from property taxes.

The new cash grants are based solely on the applicant's income. They were authorized by the legislature under Senate Bill 62, signed into law April 23 by Gov. Dan Walker as Public Act 79-7.

To qualify for the new, income-based tax relief, a person must:

(1) Have been 65 years old or permanently disabled on or before January 1.

(2) Have an annual household income of less than $10,000.

(3) Be a resident of Illinois at the time the grant application is filed.

These are the same basic requirements a person must meet to qualify for property tax relief. The one additional qualification for that program is that the applicant owe property taxes or have paid rent on a residence subject to the property tax or have paid privilege taxes on his mobile home residence. Because the first three qualifications are similar for both programs, anyone qualified for property tax relief is qualified automatically for a grant under the new program.

The new grants are figured by multiplying the amount of income by a percentage established by the new law for that income level. The multipliers and grant ranges for other income levels are:

Household Income	Percentage	Grant Range
$2,000-2,499.99	3.5	$70.00-87.50
2,500-2,999.99	3.0	75.00-90.00
3,000-3,499.99	2.5	75.00-87.50
3,500-3,999.99	2.0	70.00-80.00
4,000-4,999.99	1.75	70.00-87.50
5,000-5,999.99	1.5	75.00-90.00
6,000-6,999.99	1.25	75.00-87.50
7,000-9,999.99	1.0	70.00-100.00

Finally, there is a provision in the circuit breaker law which increases property tax relief for senior and disabled persons who rent their homes. Retroactive to the 1974 property tax year, this new section increases the amount of rent counted as the renter's property tax bill from 25 to 30 per cent.

But this part of the law does not become effective until January 1, 1976. As a result, renters' property tax relief this year will continue to be computed at the 25 per cent level.

The additional 5 per cent to which renters are entitled for 1974 taxes will be computed and added automatically to their property tax relief grants in 1976. The Department of Revenue, which administers the law, will compute renters' property tax relief payments at the full 30 per cent level after next January 1.

One form, IL-1363, serves as the application form for both the property tax relief and additional tax relief programs. The form is available from the Department of Revenue, Circuit Breaker Section, Box 4017, Springfield, Ill. 62708. Revenue Director Robert H. Allphin believes the single form may help get additional tax relief to senior and disabled persons who are not aware of the property tax relief program. If people filing for the income-based grant also owe property taxes and complete the questions related to them, the department will check to see whether they're eligible also for property tax relief.

Allphin said some people who had incomes of less than $10,000 did not qualify for property tax relief in past years, and he said the revenue department encouraged them to apply for the new tax relief program. "The circuit breaker law provides for relief where property taxes exceed four per cent of the qualified applicant's income," he said. "If taxes didn't exceed $240 for the person whose annual income was $6,000, for example, he would not be eligible. But we urge anyone to re-apply since the new grant program does not require that the person have paid property taxes. Any Illinois resident who is 65 or older or permanently disabled and has an annual household income of less than $10,000 is qualified." □

Selected state reports

Continued from page 106.

Other Reports

Energy Conservation Policy Options for Illinois: Proceedings of the Second Annual Illinois Energy Conference, June 24-25, 1974, 222pp.

Available from Energy Resources Center, University of Illinois at Chicago Circle, Box 4348, 261 Roosevelt Road Bldg., Chicago, Ill. 60680.

A collection of speeches and papers from sessions on (1) energy management in utilities; (2) energy conservation policy; and energy conservation in (3) the residential-commercial sector, (4) industry and agriculture, and (5) transportation.

"Rural Community and Regional Development: Perspectives and Prospects," a seminar series, spring 1973, conducted by the Department of Agricultural Economics, University of Illinois, Urbana-Champaign (June 1974), 108pp.

A collection of papers on the problems of rural areas and how these areas can be more fully utilized and the lives of their residents improved.

■ "Governance of Illinois Higher Education, 1945-74," by Boyd R. Keenan. Urbana: Institute of Government and Public Affairs, University of Illinois (1975), 108pp.

This survey of the coordination and governance of public higher education in Illinois was written by a University of Illinois professor who has long been a student of the topic. Particular attention is given to the governance aspects of Master Plan—Phase III, the state's latest comprehensive planning document for higher education.

■ "The Department of Local Government Affairs, 1968-72," by Michael A. Murray in *Illinois Government Research* (Urbana: Institute of Government and Public Affairs, University of Illinois, 1975), 6pp. Single copies available free of charge from the Institute, 1201 West Nevada, Urbana, Ill. 61801.

This paper discusses the creation of DLGA and analyzes the programs and policies of the department and its divisions during the first four years.

By PETER K. LENNON

Reprinted from Illinois Issues, October 1975

How to get your drinking water tested by the state

CONSIDERABLE controversy has developed in the last few years over the nation's drinking water. Various environmental groups throughout the country have petitioned state and local governments to monitor and safeguard local drinking water supplies. The concerns of such groups are broad and complex and include the pollution of lakes and reservoirs by power facilities and factories, the seepage of chemicals and toxins from landfills into wells and springs, the long-term effects of the lead which is still used as pipe coating in many systems, and the use of reservoirs for recreational activity.

Many of the water purity problems, of course, are caused by home plumbing systems that are below standard. The public system may be delivering pure water, but by the time it reaches the tap corroded pipes can make it unsafe to drink. The impurity of drinking water is not always discernable. Testing by water quality experts is advisable whenever a home supply is suspect.

There are two state agencies responsible for testing potable water. For those whose drinking water is supplied by well, cistern, or spring, testing is done by the Illinois Department of Public Health. There are three laboratories—in Springfield, Chicago, and Carbondale—and eight regional offices. Instructions, along with an approved laboratory sample collection bottle, are sent free of charge to residents in these categories who feel they may have a drinking water problem. A report form is also sent and must be filled out and returned with the water sample. The return postage to the laboratory or regional office is the only fee required (see addresses below). Within two to six days of receipt of a water sample, the department will return a complete analysis.

Samples taken without regard to department instructions are usually unable to be properly analyzed due to the strict procedures that must be followed. The process will be greatly expedited by first contacting the regional office of the Department of Public Health for precise instructions and a sample bottle. Individuals with chlorinated water should request specially prepared containers. In certain cases a personal visit is made by a health official, and in all problem cases a recommendation is made to the individual for correction and positive action.

The majority of Illinois residents, however, are linked to public water supply systems. For those citizens, public water testing is accomplished routinely for the municipality by system engineers in private laboratories. Depending on the size of the system, samples are also sent to the state Environmental Protection Agency on a regular basis. Water is generally tested daily in large public systems.

Individuals supplied by a public system may contact their local water suppliers for questions concerning drinking water and testing. Both local and state officials are available for on-site inspection if any serious drinking water problem is found to exist.

For private supply systems (wells, springs, cisterns) contact:

Illinois Department of Public Health
Division of Laboratories
134 N. 9th, Springfield 62701, *or*
212 W. Taylor, Chicago 60612, *or*
P. O. Box 2467, Carbondale 62901

Public Health regional offices are located in Champaign, Chicago, Edwardsville, Marion, Peoria, Rockford, Springfield and Wheaton. □

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Chicago

By DAN LOGAN

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Developers were about to invade The Grove until citizens acted together to save it

ONE MORNING in April of 1973, Dee Stowe looked out her kitchen window and was horrified to see a builder's stake in the ground. It meant developers had come to The Grove. Of the many groves that once broke the flat monotony of the prairie in the Chicago area, with names like Morton Grove and Fox River Grove, only The Grove remains. It's still resplendent with towering bur oaks, bright golden alexanders and smiling stars, amid ponds and swamps and a lake.

The Grove's first resident was Dr. John Kennicott, a physician and horticulturist who was the first president of the American Pomological Society, a president of the Illinois State Horticultural Society, and horticultural editor of *The Prairie Farmer*. His son Robert was a gifted naturalist whose cataloging of Alaska's natural riches convinced the federal government to buy the territory. Naturalist Donald Culross Peattie, pioneering anthropologist Robert Redfield, and *Chicago Tribune* Managing Editor E.S. Beck had all lived in The Grove. The Kennicott House, built by Dr. John in 1856, and the Redfield-Peattie house are still standing.

Cooperation and organization

How would Dee Stowe save The Grove? Her first act was to call the Village of Glenview to ask what an individual could do to prevent its development. The Village told her it would take a lot of individuals to dissuade its Plan Commission from rezoning the property for multi-storeyed condominiums.

Dee Stowe went to work. She and seven friends — other residents of The Grove — Gloria Buzard, a school board member, Isabel Ernst, who had written about Glenview history for the League of Women Voters, and other League members interested in land use — formed the Save The Grove Committee. They collected 3,000 signatures on petitions and presented them to the Plan Commission, asking it to delay rezoning, and the Park District, asking it to buy the property.

Then Dee Stowe hosted a meeting of the Committee and several conservation groups. Open Lands Project, a non-profit environmental organization, agreed to take the Committee under its wing, providing services and accepting contributions, making the contributions tax-deductible.

In researching a brochure and a slide presentation, the Committee uncovered more information about The Grove and its inhabitants. Robert Kennicott had helped found the Chicago Academy of Sciences, the Midwest's first museum, and started Northwestern University's natural science collection. An owl had been named after him. Peattie had written a book, *A Prairie Grove*, about The Grove. His writings and others made The Grove one of the most documented square miles of land in the country.

Legislature takes action

The Grove was clearly a historical and environmental landmark. Everybody but the landowners wanted to save it. The Committee got it listed on the National Register of Historic Places. Resolutions introduced in the legislature by Sen. Bradley M. Glass (R., Northfield) and Rep. John Edward Porter (R., Evanston) passed easily.

But there was still one obstacle to salvation — money. The Village couldn't afford the estimated $6 million to buy The Grove from more than 40 owners.

Porter came to the rescue. He introduced a bill to buy The Grove for a state park. It passed the House with only eight opposing votes and the Senate unanimously. Seventy organizations supported it.

Governor Walker vetoed the bill. But, he said, "My veto does not mean we are relinquishing The Grove to developers. I want to see several governmental entities sharing the support of The Grove."

So the small group of people — it never had more than 10 working members at one time — set out in search of some big money. The Glenview Park District was one of two groups awarded $350,000, the maximum grant under Illinois' Open Space Acquisition Act. Zenith Corporation donated a $250,000 parcel of land and the Kennicott and Redfield-Peattie houses.

Referendum favorable

The turning point came when Glenview citizens committed their tax money. For the referendum, the Park District got $5,000 of revenue sharing money to commission a tax-impact study. The study showed that, even with more taxpayers, the tax burden would increase more if The Grove were developed. The Grove referendum, in which Glenview was asked to commit $875,000 — 39 per cent of the total purchase price — won 88 per cent of the vote last October 15. Although $766,000 of U.S. Bureau of Outdoor Recreation money still needed to be approved. The Grove had been saved.

The Save The Grove Committee is keeping busy forming a non-profit Grove Heritage Association and advising several preservation groups around the state.

The moral of this story with a happy ending is that government acts in the public interest when the public takes the initiative. Or, as Gloria Buzard, chairperson of the Save The Grove Committee, puts it, "When the people speak up, they get results."

Amen. □

Illinois Issues

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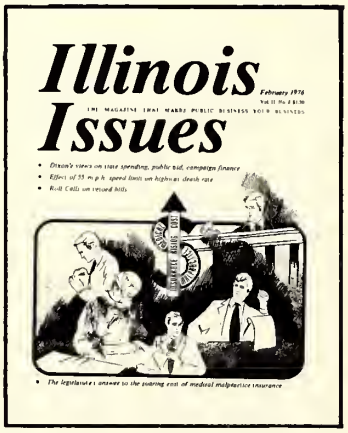

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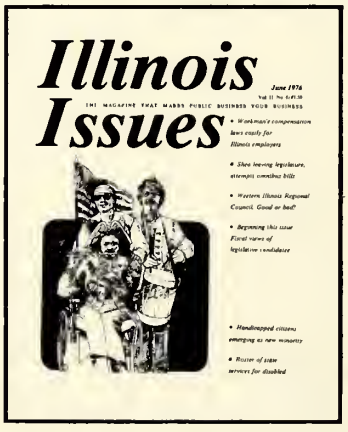

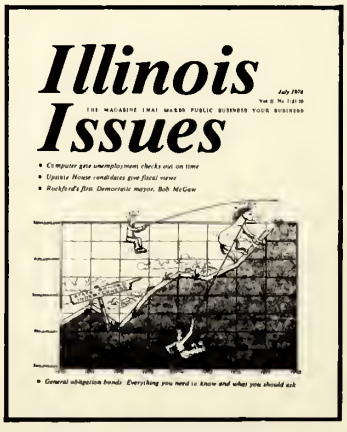

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